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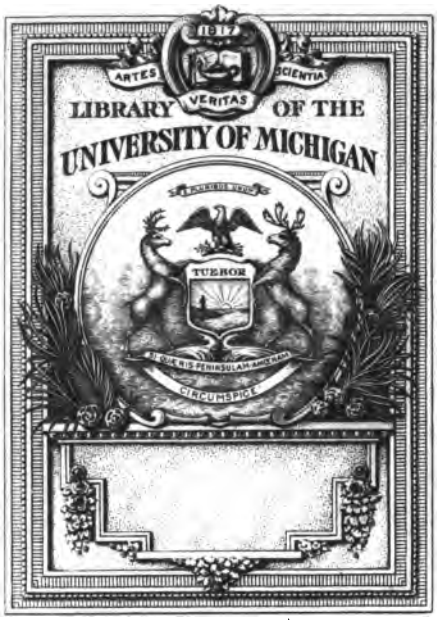
# MODERN CONSTITUTIONS

HARVARD CO-OPERATIVE SOCIETY
CAMBRIDGE, MASS.
1901

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# MODERN CONSTITUTIONS.

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## *PART I.*

THE ARTICLES OF CONFEDERATION.
THE VIRGINIA PLAN.
THE JERSEY PLAN.
CONSTITUTION OF THE UNITED STATES.
ACT OF CONGRESS, JAN. 19, 1886.
" " " FEB. 3, 1887.
CONSTITUTION OF THE CONFEDERATE STATES.
CONSTITUTION OF THE DOMINION OF CANADA.
FEDERAL CONSTITUTION OF SWITZERLAND.
CONSTITUTION OF FRANCE.
CONSTITUTION OF THE GERMAN EMPIRE.
CONSTITUTION OF PRUSSIA.
EXECUTIVE DEPARTMENTS IN VARIOUS COUNTRIES.

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# THE ARTICLES OF CONFEDERATION.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

*Article* 1.—The style of this Confederacy shall be "The United States of America."

*Article* 2.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

*Article* 3.—The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

*Article* 4.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restrictions shall be laid by any State on the

property of the United States or either of them. If any person guilty of or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

*Article* 5.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more then seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrest and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

*Article* 6.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

*Article* 7.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel shall

be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

*Article* 8.—All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the Several States, within the time agreed upon by the United States, in Congress assembled.

*Article* 9.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State

in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed

under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each

State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliance, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require

secresy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

*Article* 10.—The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

*Article* 11.—Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

*Article* 12.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

*Article* 13.—Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State.

*And whereas* it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name

and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

# THE VIRGINIA PLAN.

STATE OF THE RESOLUTIONS, SUBMITTED TO THE CONSIDERATION OF THE HOUSE BY THE HON. MR. RANDOLPH, AS ALTERED, AMENDED, AND AGREED TO, IN COMMITTEE OF THE WHOLE HOUSE.

[Paper deposited by President Washington, in the Department of State.]

1. *Resolved*, That it is the opinion of this committee that a national government ought to be established, consisting of a supreme legislative, judiciary, and executive.

2. *Resolved*, That the national legislature ought to consist of two branches.

3. *Resolved*, That the members of the first branch of the national legislature ought to be elected by the people of the several states, for the term of three years; to receive fixed stipends, by which they may be compensated for the devotion of their time to public service, to be paid out of the national treasury; to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the first branch), during the term of service, and under the national government, for the space of one year after its expiration.

4. *Resolved*, That the members of the second branch of the national legislature ought to be chosen by the individual legislatures; to be of the age of thirty years, at least; to hold their offices for a term sufficient to insure their independency — namely seven years; to receive fixed stipends, by which they may be compensated for the devotion of their time to public service, to be paid out of the national treasury; to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the second branch), during the term of service, and under the national government, for the space of one year after its expiration.

5. *Resolved*, That each branch ought to possess the right of originating acts.

6. *Resolved*, That the national legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation; and, moreover, to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several states contravening, in the opinion of the national legislature, the articles of union, or any treaties subsisting under the authority of the Union.

7. *Resolved*, That the right of suffrage in the first branch of the national legislature ought not to be according to the rule established in the Articles of Confederation, but according to some equitable ratio of representation; namely, in proportion to the whole number of white and other free citizens, and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each state.

8. *Resolved*, That the rights of suffrage in the second branch of the national legislature ought to be according to the rule established for the first.

9. *Resolved*, That a national executive be instituted, to consist of a single person; to be chosen by the national legislature, for the term of seven years; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and conviction of malpractice, or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service, to be paid out of the national treasury.

10. *Resolved*, That the national executive shall have a right to negative any legislative act, which shall not be afterwards passed unless by two thirds parts of each branch of the national legislature.

11. *Resolved*, That a national judiciary be established, to consist of one supreme tribunal; the judges of which to be appointed by the second branch of the national legislature; to hold their offices during good behavior; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution.

12. *Resolved*, That the national legislature be empowered to appoint inferior tribunals.

13. *Resolved*, That the jurisdiction of the national judiciary shall extend to cases which respect the collection of the national revenue, the impeachment of any national officers, and questions which involve the national peace and harmony.

14. *Resolved*, That provision ought to be made for the admission of states lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

15. *Resolved*, That provision ought to be made for the continuance of Congress and their authorities, until a given day after the reform of the articles of union shall be adopted, and for the completion of all their engagements.

16. *Resolved*, That a republican constitution, and its existing laws, ought to be guaranteed to each state by the United States.

17. *Resolved*, That provision ought to be made for the amendment of the articles of union whensoever shall seem necessary.

18. *Resolved*, That the legislative, executive, and judiciary powers, within the several states, ought to be bound, by oath, to support the articles of union.

19. *Resolved*, That the amendments which shall be offered to the Confederation by the Convention, ought, at a proper time or times after the approbation of Congress, to be submitted to an assembly, or assemblies of representatives, recommended by the several legislatures to be expressly chosen by the people to consider and decide thereon.

# THE JERSEY PLAN.

## Propositions Offered to the Convention by the Hon. Mr. Patterson, June 15, 1787.

[Paper furnished by General Bloomfield.]

1. *Resolved*, That the Articles of Confederation ought to be revised, corrected, and enlarged, so as to render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union.

2. *Resolved*, That, in addition to the powers vested in the United States in Congress, by the present existing Articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods and merchandise of foreign growth or manufacture, imported into any part of the United States; by stamps on paper, vellum, or parchment; and by a postage on all letters and packages passing through the general post-office — to be applied to such federal purposes as they shall deem proper and expedient; to make rules and regulations for the collection thereof; and the same from time to time to alter and amend, in such a manner as they shall think proper. To pass acts for the regulation of trade and commerce, as well with foreign nations as with each other; provided, that all punishments, fines, forfeitures, and penalties, to be incurred for contravening such rules and regulations, shall be adjudged by the common-law judiciary of the states in which any offence contrary to the true intent and meaning of such rules and regulations shall be committed or perpetrated; with liberty of commencing, in the first instance, all suits or prosecutions for that purpose in the superior common-law judiciary of such state; subject, nevertheless, to an appeal for the correction of all errors both in law and fact, in rendering judgment, to the judiciary of the United States.

3. *Resolved*, That, whenever requisitions shall be necessary, instead of the present rules, the United States in Congress be authorized to make such requisitions in proportion to the whole

number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that, if such requisitions be not complied with in the time to be specified therein, to direct the collection thereof in the non-complying states; and for that purpose to devise and pass acts directing and authorizing the same; provided, that none of the powers hereby vested in the United States in Congress shall be exercised without the consent of at least states; and in that proportion, if the number of confederated states should be hereafter increased or diminished.

4. *Resolved*, That the United States in Congress be authorized to elect a federal executive to consist of persons, to continue in office for the term of years; to receive punctually, at stated times, a fixed compensation for the services by them rendered, in which no increase or diminution shall be made, so as to affect the persons composing the executive at the time of such increase or diminution; to be paid out of the federal treasury; to be incapable of holding any other office or appointment during their time of service, and for years thereafter; to be ineligible a second time, and removable on impeachment and conviction for malpractices or neglect of duty, by Congress, on application by a majority of the executive of the several states. That the executive, besides a general authority to execute the federal acts, ought to appoint all federal officers not otherwise provided for, and to direct all military operations; provided, that none of the persons composing the federal executive shall, on any occasion, take command of any troops, so as personally to conduct any military enterprise as general, or in any other capacity.

5. *Resolved*, That a federal judiciary be established, to consist of a supreme tribunal, the judges of which to be appointed by the executive, and to hold their offices during good behavior; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution. That the judiciary, so established, shall have authority to hear and determine, in the first instance, on all impeachments of federal officers; and by way of appeal, *dernier ressort*, in all cases touching the rights and privileges of ambassa-

dors; in all cases of captures from an enemy; in all cases of piracies and felonies on the high seas; in all cases in which foreigners may be interested, in the construction of any treaty or treaties, or which may arise on any act or ordinance of Congress for the regulation of trade, or the collection of the federal revenue. That none of the judiciary officers shall, during the time they remain in office, be capable of receiving or holding any other office or appointment during their term of service, or for thereafter.

6. *Resolved*, That the legislative, executive, and judiciary powers, within the several states, ought to be bound, by oath, to support the articles of union.

7. *Resolved*, That all acts of the United States in Congress assembled, made by virtue and in pursuance of the powers hereby vested in them, and by the Articles of Confederation, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the said states, or their citizens; and that the judiciaries of the several states shall be bound thereby in their decisions, anything in the respective laws of the individual states to the contrary notwithstanding. And if any state, or any body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties, the federal executive shall be authorized to call forth the powers of the confederated states, or so much thereof as may be necessary, to enforce and compel an obedience to such acts, or an observance of such treaties.

8. *Resolved*, That provision ought to made for the admission of new states into the Union.

9. *Resolved*, That provision ought to be made for hearing and deciding upon all disputes arising between the United States and an individual state, respecting territory.

10. *Resolved*, That the rule for naturalization ought to be the same in every state.

11. *Resolved*, That a citizen of one state, committing an offence in another state, shall be deemed guilty of the same offence as if it had been committed by a citizen of the state in which the offence was committed.

# CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE THE PEOPLE of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

*Section* 1. — All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Section* 2. — The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of

New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantation one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

*Section* 3.—The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and

enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

*Section* 4. — The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

*Section* 5. — Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

*Section* 6. — The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority

of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

*Section* 7.—All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

*Section* 8.—The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disclipining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsover, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

*Section* 9. — The migration or importation of such persons as any of the States now existing shall think proper to admit, shall

not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

*Section* 10. — No State shall enter into any treaty, alliance, or Confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign

power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

## Article II.

*Section* 1. — The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows: —

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished, during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: —

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

*Section* 2.— The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors,

other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

*Section* 3.—He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Section* 4.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## Article III.

*Section* 1.—The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

*Section* 2.—The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State

and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

*Section* 3.— Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## Article IV.

*Section* 1.— Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Section* 2.— The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law

or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

*Section* 3.— New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

*Section* 4.—The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## Article VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### Article VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

## AMENDMENTS.

ARTICLES in addition to and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

### Article I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### Article II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of council for his defence.

### Article VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

### Article VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### Article IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

### Article X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

### Article XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

### Article XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President,

and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## Article XIII.

*Section* 1.— Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

*Section* 2.— Congress shall have power to enforce this article by appropriate legislation.

## Article XIV.

*Section* 1.— All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Section* 2.— Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

*Section* 3.— No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by vote of two-thirds of each house, remove such disability.

*Section* 4.— The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United

States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

*Section* 5.—The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### Article XV.

*Section* 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

*Section* 2.—The Congress shall have power to enforce this article by appropriate legislation.

## AN ACT

To Provide for the Performance of the Duties of the Office of President in Case of the Removal, Death, Resignation, or Inability both of the President and Vice-President. [*Passed January* 19, 1886.]

*Be it enacted, &c.*, That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice-President is removed or a President shall be elected:

*Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the

persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

SEC. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty of the Revised Statutes are hereby repealed.

## AN ACT

TO FIX THE DAY FOR THE MEETING OF THE ELECTORS OF PRESIDENT AND VICE-PRESIDENT, AND TO PROVIDE FOR AND REGULATE THE COUNTING OF THE VOTES FOR PRESIDENT AND VICE-PRESIDENT, AND THE DECISION OF QUESTIONS ARISING THEREON. [*Passed February* 3, 1887.]

*Be it enacted, &c.*, That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the Legislature of such State shall direct.

SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall

govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

* * * * * *

And if there shall have been any final determination in a State of a controversy or contest as provided for in section two of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made;

And the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full;

And at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors.

The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates;

And the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and,

together with a list of the votes, be entered on the journals of the two Houses.

Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.

When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision;

And no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section three of this act from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section two of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State;

But in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section two of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws;

And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such

determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.

But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the Executive of the State, under the seal thereof, shall be counted.

When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted.

No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once;

But after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform.

Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared;

And no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon.

But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

# CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

[The constitution of the Southern Confederacy was, in the main, a literal copy of the constitution of the United States. The most significant departures from the original are found in the following paragraphs.]

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity — invoking the favor and guidance of Almighty God — do ordain and establish this Constitution for the Confederate States of America.

## Article I.

*Section* 2.— The House of Representatives shall be chosen every second year by the people of the several States, and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other federal officer resident and acting solely within the limits of any State may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

*Section* 6.—

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer

in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measure appertaining to his department.

*Section* 7.—

2. Every bill which shall have passed both Houses shall, before it becomes a law, be presented to the President of the Confederate States; if he approve he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated, and the same proceedings shall then be had as in case of other bills disapproved by the President.

*Section* 8.— The Congress shall have power —

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution shall be construed to delegate the power to Congress to appropriate money for

any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coast, and the improvement of harbors, and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederate States, but no law of Congress shall discharge any debt contracted before the passage of the same.

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.

*Section* 9.—The importation of negroes of the African race, from any foreign country, other than the slave-holding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

4. No bill of attainder, or *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.

ARTICLE II.

*Section* 1.— The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible. * * * * *

*Section* 2.—

3. The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

ARTICLE IV.

*Section* 2.— The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

*Section* 3.— Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States, and may permit them, at such times, and in such manner as it may by law

provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

### Article V.

*Section* 1.— Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention — voting by States — and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof — as the one or the other mode of ratification may be proposed by the general convention — they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

### Article VII.

*Section* 1.— The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

# CONSTITUTION OF THE DOMINION OF CANADA.

AN ACT FOR THE UNION OF CANADA, NOVA SCOTIA, AND NEW BRUNSWICK, AND THE GOVERNMENT THEREOF; AND FOR PURPOSES CONNECTED THEREWITH. [30–31 *Victoria, Chap.* 3.] [1]

[29*th March*, 1867.]

*Whereas*, The Provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom:

And whereas such a Union would conduce to the welfare of the Provinces and promote the interests of the British Empire:

And whereas on the establishment of the Union by authority of Parliament it is expedient, not only that the Constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the executive Government therein be declared:

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## I.— PRELIMINARY.

1. This Act may be cited as the British North America Act, 1867.

2. The provisions of this Act refering to Her Majesty the Queen extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britian and Ireland.

[1] All provisions of a merely local or temporary character are omitted.

## II.— Union.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the name of Canada; and on and after that day those three Provinces shall form and be One Dominion under that name accordingly.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

## III.— Executive Power.

9. The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General.

15. The Command-in-Chief of the land and naval militia, and of all naval and military forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

## IV.— Legislative Power.

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. [By an amendment passed in 1875 it is provided that the Parliament of Canada may define the privileges of its members at any time, by Act, but cannot give them greater privileges than are enjoyed at the date of their Act, by the members of the British House of Commons.]

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

*The Senate.*

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of three divisions —

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick;

which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four Senators; Quebec by twenty-four Senators; and the Maritime Provinces by twenty-four Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.[1] * * * *

23. [A Senator must be thirty years old, a subject of the Queen, possessing real property worth $4000.00, a resident in the Province for which he is appointed, and in the case of Quebec "he shall have his real property qualification in the electoral division for which he is appointed, or shall be a resident in that division."]

24. The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a Senator.

26. If at any time on the recommendation of the Governor General the Queen thinks fit to direct that three or six members be added to the Senate, the Governor General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made the Governor General shall not summon any person to the Senate,

[1] An Act of 1871 empowered the Parliament of Canada to establish new Provinces and to provide for their representation. See also *infra*, 49–50 Victoria, Chap. 35 (1886).

except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

28. The number of Senators shall not at any time exceed seventy-eight.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand addressed to the Governor General resign his place in the Senate, and thereupon the same shall be vacant.

[A Senator loses his seat if for two consecutive sessions he fails to attend in the Senate, if he takes steps to become naturalized in a foreign country, if he becomes a bankrupt, defaulter, attainted of treason, convicted of felony or any infamous crime, or if he ceases to be qualified in respect of property or of residence. He is, however, permited to reside at the seat of Government while holding an office requiring his presence there.]

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a Senator or a vacaney in the Senate the same shall be heard and determined by the Senate.

34. The Governor General may from time to time, by instrument under the great seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

### *The House of Commons.*

37. The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty-one members, of whom

eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

38. The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons.

44. The House of Commons on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its members to be Speaker.

48. The presence of at least twenty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

50. Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

51. On the completion of the census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules: —

(1.) Quebec shall have the fixed number of sixty-five members:

(2.) There shall be assigned to each of the other Provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained): * * * * *

52. The number of members of the House of Commons may be from time to time increased by the Parliament of Canada,

provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

*Money Votes; Royal Assent.*

53. Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or bill is proposed.

55. Where a bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the signification of the Queen's pleasure.

56. Where the Governor General assents to a bill in the Queen's name, he shall by the first convenient opportunity send an authentic copy of the Act to one of Her Majesty's principal Secretaries of State; and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by speech or message to each of the Houses of the Parliament or by proclamation, shall annul the Act from and after the day of such signification.

57. A bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor General for the Queen's assent, the Governor General signifies, by speech or message to each of the Houses of the Parliament or by proclamation, that it has received the assent of the Queen in Council.

An entry of every such speech, message, or proclamation shall be made in the journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of Canada.

## V. — Provincial Constitutions.

### *Executive Power.*

58. For each Province there shall be an officer, styled the Lieutenant Governor, appointed by the Governor General in Council by instrument under the great seal of Canada.

59. A Lieutenant Governor shall hold office during the pleasure of the Governor General; but any Lieutenant Governor appointed after the commencement of the first session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, within one week after the commencement of the next session of the Parliament.

60. The salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

## 6. — *THE FOUR PROVINCES.*

90. The following provisions of this Act respecting the Parliament of Canada, namely, — the provisions relating to appropriation and tax bills, the recommendation of money votes, the assent to bills, the disallowance of acts, and the signification of pleasure on bills reserved, — shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

## VI. — Distribution of Legislative Powers.

### *Powers of the Parliament.*

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation

to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say,—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. The census and statistics.
7. Militia, military and naval service, and defence.
8. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.
9. Beacons, buoys, light-houses, and Sable Island.
10. Navigation and shipping.
11. Quarantine and the establishment and maintenance of marine hospitals.
12. Sea coast and inland fisheries.
13. Ferries between a Province and any British or foreign country or between two Provinces.
14. Currency and coinage.
15. Banking, incorporation of banks, and the issue of paper money.
16. Savings banks.
17. Weights and measures.
18. Bills of exchange and promissory notes.
19. Interest.
20. Legal tender.
21. Bankruptcy and insolvency.
22. Patents of invention and discovery.
23. Copyrights.
24. Indians, and lands reserved for the Indians.
25. Naturalization and aliens.
26. Marriage and divorce.

27. The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.
28. The establishment, maintenance, and management of penitentiaries.
29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

### *Exclusive Powers of Provincial Legislatures.*

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say,—

1. The amendment from time to time, notwithstanding anything in this Act, of the constitution of the Province, except as regards the office of Lieutenant Governor.
2. Direct taxation within the Province in order to the raising of a revenue for Provincial purposes.
3. The borrowing of money on the sole credit of the Province.
4. The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers.
5. The management and sale of the public lands belonging to the Province and of the timber and wood thereon.
6. The establishment, maintenance, and management of public and reformatory prisons in and for the Province.
7. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the Province, other than marine hospitals.
8. Municipal inststitutions in the Province.
9. Shop, saloon, tavern, auctioneer, and other licences in order to the raising of a revenue for Provincial, local, or municipal purposes.

10. Local works and undertakings other than such as are of the following classes,—
    *a.* Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
    *b.* Lines of steam ships, between the Province and any British or foreign country:
    *c.* Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.
11. The incorporation of companies with Provincial objects.
12. The solemnization of marriage in the Province.
13. Property and civil rights in the Province.
14. The administration of justice in the Province, including the constitution, maintenance, and organization of Provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section.
16. Generally all matters of a merely local or private nature in the Province.

*Education.*

93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union:

(2.) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic

subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec:

(3.) Where in any Province a system of separate or dissentient schools exist by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in council from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education:

(4.) In case any such Provincial law as from time to time seems to the Governor General in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor General in council under this section.

*Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick.*

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

*Agriculture and Immigration.*

95. In each Province the Legislature may make laws in relation to agriculture in the Province, and to immigration into the Prov-

ince; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Cananda.

### VII. — Judicature.

96. The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

100. The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and orgrnization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better adminstration of the laws of Canada.

### VIII. — Revenues; Debts; Assets; Taxation.

102. All duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one consolidated revenue fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

105. Unless altered by the Parliament of Canada, the salary of the Governor General shall be ten thousand pounds sterling money

of the United Kingdom of Great Britain and Ireland, payable out of the consolidated revenue fund of Canada, and the same shall form the third charge thereon.

108. The public works and property of each Province, enumerated in the third schedule to this Act, shall be the property of Canada.[1] . . .

111. Canada shall be liable for the debts and liabilities of each Province existing at the Union.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures: —

| | Dollars. |
|---|---|
| Ontario - - - - - - - | Eighty thousand. |
| Quebec - - - - - - - | Seventy thousand. |
| Nova Scotia - - - - - - | Sixty thousand. |
| New Brunswick - - - - - | Fifty thousand. |
| | Two hundred and sixty thousand; |

and an annual grant in aid of each Province shall be made, equal to eighty cents per head of the population as ascertained by the census of one thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to four hundred thousand souls, at which rate such

[1] The list is as follows: —

*Provincial Public Works and Property to be the Property of Canada.*

1. Canals, with lands and water power connected therewith.
2. Public harbors.
3. Lighthouses and piers, and Sable Island.
4. Steamboats, dredges, and public vessels.
5. Rivers and lake improvements.
6. Railways and railway stocks, mortgages, and other debts due by railway companies.
7. Military roads.
8. Custom houses, post offices, and all other public buildings, except such as the Government of Canada may appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as ordnance property.
10. Armories, drill sheds, military clothing, and munitions of war, and lands set apart for general public purposes.

grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

133. Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

### XI. — Admission of other Colonies.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on addresses from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western territory or either of them, into the Union, on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the provisions of any order in Council in that behalf shall have effect, as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be seventy-six and their maximum number shall be eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third

of three divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provisions of this Act for the appointment of three or six additional Senators under the direction of the Queen.[1]

## AMENDMENT.

An Act respecting the representation in the Parliament of Canada of Territories which for the time being form part of the Dominion of Canada, but are not included in any Province.

[49-50 *Victoria, Chapter* 35, 25*th June*, 1886.]

Whereas it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any Province:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Parliament of Canada may, from time to time, make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any Province thereof.

2. Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if

[1] NOTE: The five schedules appended to the Act, also most of the subordinate, temporary and local provisions contained in the Act, are omitted.

*Article* 6.— Les Cantons sont tenus de demander à la Confédération la garantie de leurs Constitutions.

Cette garantie est accordée, pourvu :

*a.* Que ces Constitutions ne renferment rien de contraire aux dispositions de la Constitution fédérale ;

*b.* Qu'elles assurent l'exercice des droits politiques d'après des formes républicaines, — représentatives ou démocratiques ;

*c.* Qu'elles aient été acceptées par le peuple et qu'elles puissent être révisées lorsque la majorité absolue des citoyens le demande.

*Article* 7.— Toute alliance particulière et tout traité d'une nature politique entre Cantons sont interdits.

En revanche, les Cantons ont le droit de conclure entre eux des conventions sur des objets de législation, d'administration ou de justice ; toutefois ils doivent les porter à la connaissance de l'autorité fédérale, laquelle si ces conventions renferment quelque chose de contraire à la Confédération ou aux droits des autres Cantons, est autorisée à en empêcher l'exécution. Dans le cas contraire, les Cantons contractants sont autorisés à réclamer pour l'exécution la coopération des autorités fédérales.

*Article* 8.— La Confédération a seule le droit de déclarer la guerre et de conclure la paix, ainsi que de faire avec les Etats étrangers des alliances et des traités, notamment des traités de péage (douanes) et de commerce.

*Article* 9.— Exceptionnellement, les Cantons conservent le droit de conclure avec les Etats étrangers des traités sur des objets concernant l'économie publique, les rapports de voisinage et de police ; néanmoins ces traités ne doivent rien contenir de contraire à la Confédération ou aux droits d'autres Cantons.

*Article* 10.— Les rapports officiels entre les Cantons et les Gouvernements étrangers ou leurs représentants ont lieu par l'intermédiaire du Conseil fédéral.

Toutefois, les Cantons peuvent correspondre directement avec les autorités inférieures et les employés d'un Etat étranger, lorsqu'il s'agit des objets mentionnés à l'article précédent.

*Article* 11.— Il ne peut être conclu de capitulations militaires.

*Article* 12.— Les membres des autorités fédérales, les fonctionnaires civils et militaires de la Confédération, et les représentants ou les commissaires fédéraux ne peuvent recevoir d'un Gouvernement étranger ni pensions ou traitements, ni titres, présents ou décorations.

S'ils sont déjà en possession de pensions, de titres ou de décorations, ils devront renoncer à jouir de leurs pensions et à porter leurs titres et leurs décorations pendant la durée de leurs fonctions.

Toutefois les employés inférieurs peuvent être autorisés par le Conseil fédéral à recevoir leurs pensions.

On ne peut, dans l'armée fédérale, porter ni décoration ni titre accordés par un gouvernement étranger.

Il est interdit à tout officier, sous-officier ou soldat d'accepter des distinctions de ce genre.

*Article* 13.— La Confédération n'a pas le droit d'entretenir des troupes permanentes.

Nul Canton ou demi-Canton ne peut avoir plus de 300 hommes de troupes permanentes, sans l'autorisation du pouvoir fédéral; la gendarmerie n'est pas comprise dans ce nombre.

*Article* 14.— Des différends venant à s'élever entre Cantons, les Etats s'abstiendront de toute voie de fait et de tout armement. Ils se soumettront à la décision qui sera prise sur ces différends conformément aux prescriptions fédérales.

*Article* 15.— Dans le cas d'un danger subit provenant du dehors, le Gouverment du Canton menacé doit requérir le secours des Etats confédérerés et en aviser immédiatement l'autorité fédérale, le tout sans préjudice des dispositions qu'elle pourra prendre. Les Cantons requis sont tenus de prêter secours. Les frais sont supportés par la Confédération.

*Article* 16.— En cas de troubles à l'intérieur, ou lorsque le danger provient d'un autre Canton, le Gouvernement du Canton menacé doit en aviser immédiatement le Conseil fédéral, afin qu'il puisse prendre les mesures nécessaires dans les limites de sa compétence (article 102, chiffres 3, 10 et 11) ou convoquer l'Assemblée fédérale. Lorsqu'il y a urgence, le Gouvernement est autorisé, en avertissant immédiatement le Conseil fédéral, à requérir le secours d'autres Etats confédérés, qui sont tenus de le prêter.

Lorsque le Gouvernement est hors d'état d'invoquer le secours, l'autorité fédérale compétente peut intervenir sans réquisition; elle est tenue de le faire lorsque les troubles compromettent la sûreté de la Suisse.

En cas d'intervention, les autoritiés fédérales veillent à l'observation des dispositions prescrites à l'article 5.

Les frais sont supportés par le Canton qui a requis l'assistance

ou occasionné l'intervention, à moins que l'Assemblée fédérale n'en décide autrement, en considération de circonstances particulières.

*Article* 17.— Dans les cas mentionnés aux deux articles précédents, chaque Canton est tenu d'accorder libre passage aux troupes. Celles-ci seront immédiatement placées sous le commandement fédéral.

*Article* 18.— Tout Suisse est tenu au service militaire.

Les militaires qui, par le fait du service fédéral, perdent la vie ou voient leur santé altérée d'une maniére permanente, ont droit à des secours de la Confédération, pour eux ou pour leur famille, s'il sont dans le besoin.

Chaque soldat reçoit gratuitement ses premiers effets d'armement, d'équipement et d'habillement. L'arme reste en mains du soldat aux conditions qui seront fixées par la législation fédéral.

La Confédération édictera des prescriptions uniformes sur la taxe d'exemption du survice militaire.

*Article* 19.— L'armée fédérale est composée :

*a.* des corps de troupes des Cantons ;

*b.* de tous les Suisses qui, n'appartenant pas à ces corps, sont néanmoins astrients au service militaire.

Le droit de disposer de l'armée, ainsi que du matériel de guerre prévu par la loi, appartient à la Confédération.

En cas de danger, la Confédération a aussi le droit de disposer exclusivement et directment des hommes non incorporés dans l'armée fédérale et de toutes les autres resources militaires des Cantons.

Les Cantons disposent des forces militaires de leur territoire pour autant que ce droit n'est pas limité par la Constitution ou les lois fédérales.

*Article* 20.— Les lois sur l'organisation de l'armée émanent de la Confédération. L'exécution des lois militaires dans les Cantons a lieu par les autorités cantonales, dans les limites qui seront fixées par la législation fédérale et sous la surveillance de la Confédération.

L'instruction militaire dans son ensemble appartient à la Confédération ; il en est de même de l'armement.

La fourniture et l'entretien de l'habillement et de l'équipement restent dans la compétence cantonale ; toutefois, les dépenses qui en résultent sont bonifiées aux Cantons par la Confédération, d'après une règle à établir par la législation fédérale.

*Article* 21.— A moins que des considérations militaires ne s'y opposent, les corps doivent être formés de troupes d'un même Canton.

La composition de ces corps de troupes, le soin du maintien de leur effectif, la nomination et la promotion des officiers de ces corps appartiennent aux Cantons sous réserve des prescriptions générales qui leur seront transmises par la Confédération.

*Article* 22.— Moyennant une indemnité équitable, la Confédération a le droit de se servir ou de devenir propriétaire des places d'armes et des bâtiments ayant une destination militaire qui existent dans les Cantons, ainsi que de leurs accessoires.

Les conditions de l'indemnité seront réglées par la législation fédérale.

*Article* 23.— La Confédération peut ordonner à ses frais ou encourager par des subsides les travaux publics qui intéressent la Suisse ou une partie considérable du pays.

Dans ce but, elle peut ordonner l'expropriation moyennant une juste indemnité. La législation fédérale statuera les dispositions ultérieures sur cette matiére.

L'Assemblée fédérale peut interdire les constructions publiques qui porteraient atteinte aux intérêts militaires de la Confédération.

*Article* 24.— La Confédération a le droit de haute surveillance sur la police des endiguements et des forêts dans les régions élevées.

Elle concourra à la correction et à l'endiguement des torrents, ainsi qu'au reboisement des régions où ils prennent leur source. Elle décrétera les mesures nécessaires pour assurer l'entretien de ces ouvrages et la conservation des forêts existantes.

*Article* 25.— La Confédération a le droit de statuer des dispositions législatives pour régler l'exercice de la pêche et de la chasse, principalement en vue de la conservation du gros gibier dans les montagnes, ainsi que pour protéger les oiseaux utiles à l'argriculture et à la sylviculture.

*Article* 25*b*, (adopted in 1893) :

Il est expressément interdit de seigner les animaux de boucherie sans les avoir étourdis préalablement; cette disposition s'applique à toute mode d'abatage et à toute espèce de bétail.

*Article* 26.— La législation sur la construction et l'exploitation des chemins de fer est du domaine de la Confédération.

*Article* 27.— La Confédération a le droit de créer, outre l'Ecole

polytechnique existante, une Université fédérale et d'autres établissements d'instruction supérieure ou de subventionner des établissements de ce genre.

Les Cantons pourvoient à l'instruction primaire, qui doit être suffisante et placée exclusivement sous la direction de l'autorité civile. Elle est obligatoire et, dans les écoles publiques, gratuite.

Les écoles publiques doivent pouvoir être fréquentées par les adhérents de toutes les confessions, sans qu'ils aient à souffrir d'aucune façon dans leur liberté de conscience ou de croyance.

La Confédération prendra les mesures nécessaires contre les Cantons qui ne satisferaient pas à ces obligations.

*Article* 28—Ce qui concerne les péages relève de la Confédération. Celle-ci peut percevoir des droits d'entrée et des droits de sortie.

*Article* 29.— La perception des péages fédéraux sera réglée conformément aux principes suivants:

1. Droits sur l'importation :
   *a.* Les matiéres nécessaires à l'industrie et à l'agriculture du pays seront taxées aussi bas que possible.
   *b.* Il en sera de même des objets nécessaires à la vie.
   *c.* Les objets de luxe seront soumis aux taxes les plus élevées.

A moins d'obstacles majeurs, ces principes devront aussi être observés lors de la conclusion de traités de commerce avec l'étranger.

2. Les droits sur l'exportation seront aussi modérés que possible.

3. La législation des péages contiendra des dispositions propres à assurer le commerce frontiére et sur les marchés.

Les dispositions ci-dessus n'empêchent point la Confédération de prendre temporairement des mesures exceptionnelles dans les circonstances extraordinaires.

*Article* 30.— Le produit des péages appartient à la Confédération.

Les indemnités payées jusqu'à présent aux Cantons pour le rachat des péages, des droits de chaussée et de pontonage des droits de douane et d'autres émoluments semblables, sont supprimées.

Les Cantons d'Uri, des Grisons, du Tessin et du Valais reçoivent, par exception et à raison de leurs routes alpestres inter-

nationales, une indemnité annuelle dont, en tenant compte de toutes les circonstances, le chiffre est fixé comme suit:

| | | |
|---|---|---|
| Uri | fr. | 80,000 |
| Grisons | " | 200,000 |
| Tessin | " | 200,000 |
| Valais | " | 50,000 |

Les Cantons d'Uri et du Tessin recevront en outre, pour le déblaiement des neiges sur la route du St-Gothard, une indemnité annuelle totale de fr. 40,000 aussi longtemps que cette route ne sera pas remplacée par un chemin de fer.

*Article* 31.— La liberté de commerce et d'industrie est garantie dans toute l'etendue de la Confédération.

Sont réservés:

*a.* La régale du sel et de la poudre de guerre, les péages fédéraux, les droits d'entrée sur les vins et les autres boissons spiritueuses, ainsi que les autres droits de consommation formellement reconnus par la Confédération, à teneur de l'article 32.

*b.* La fabrication et la vente des boissons distillées, en conformité de l'article 32 *b* (adopted in 1885).

*c.* Tout ce qui concerne les auberges et la commerce au détail des boissons spiritueuses, en ce sens que les cantons ont le droit de soumettre par voie legislative, aux restrictions exigées par le bien-être public l'exercice du métier d'aubergiste et le commerce au détail des boissons spiritueuses. (Adopted in 1885.)

*d.* Les mesures de polic sanitaire contre les épidémies et les épizooties.

*e.* Les dispositions touchant l'exercice des professions commerciales et industrielles, les impôts qui s'y rattachent et la police des routes.

Ces dispositions ne peuvent rien renfermer de contraire au principe de la liberté de commerce et d'industrie.

*Article* 32.— Les Cantons sont autorisés à percevoir les droits d'entrée sur les vins et les autres boissons spiritueuses prévus à l'article 31, lettre *a*, toutefois sous les restrictions suivantes:

*a.* La perception de ces droits d'entrée ne doit nullement grever le transit; elle doit gêner le moins possible le commerce, qui ne peut être frappé d'aucune autre taxe.

*b.* Si les objets importés pour la consommation sont ré-

exportés du Canton, les droits payés pour l'entrée sont restitués sans qu'il en résulte d'autres charges.

*c.* Les produits d'origine suisse seront moins imposés que ceux de l'étranger.

*d.* Les droits actuels d'entrée sur les vins et les autres boissons spiritueuses d'origine suisse ne pouront être haussés par les Cantons où il en existe. Il n'en pourra être établi sur ces produits par les Cantons qui n'en perçoivent pas actuellement.

*e.* Les lois et les arrêtés des Cantons sur la perception des droits d'entrée sont, avant leur mise à exécution, soumis à l'approbation de l'autorité fédérale, afin qu'elle puisse, au besoin, faire observer les dispositions qui précèdent.

Tous les droits d'entrée perçus actuellement par les Cantons, ainsi que les droits analogues perçus par les communes, doivent disparaître sans indemnité à l'expiration de l'année 1890.

32*b* (adopted in 1885). La Confédération a le droit de décréter, par voie législative, des prescriptions sur la fabrication et la vente des boissons distillés. Toutefois, ces prescriptions ne doivent pas imposer les produits qui sont exportés ou qui ont subi une préparation les rendant impropres à servir de boissons. La distillation du vin, des fruits à noyaux ou à pepins et de leurs déchets, des racines de gentaine, des baies de genièvres et d'autres matières analogues est exceptée des prescriptions fédérales concernant la fabrication et l'impôt.

Apres l'abolition des droits d'entrée sur les boissons spirituenses mentionnées à l'article 32 de la constitution fédérale, le commerce des boissons alcooliques non distillées ne pourra plus être soumis par les cantons à aucun impôt spécial, ni à d'autres restrictions que celles qui sont nécessaires pour protéger le consommateur contre les boissons falsifiées ou nuisibles à la santé. Restent toutefois réserées, en ce qui concerne l'exploitation des auberges et la vente en détail de quantités inféurieures à deux litres, les compétences attribuées aux cantons par l'article 31.

Les recettes nettes provenant des droits sur la vente des boissons distillées restent acquises aux cantons dans lesquels ces droits sont perçus.

Les recettes nettes de la Confédération résultant de la distillation indigène et de l'élévation correspondante des droits d'entrée sur les boissons distillées étrangères seront reparties entre tous les

cantons proportionellement à leur propulation de fait établie par le recensement fédéral le plus récent. Les cantons sont tenus d'employer au moins 10 % des recettes pour combattre l'alcoolisme dans ses causes et dans ses effets.

*Article* 33.— Les Cantons peuvent exiger des preuves de capacité de ceux qui veulent exercer des professions libérales.

La législation fédérale pourvoit à ce que ces derniers puissent obtenir à cet effet des actes de capacité valables dans toute la Confédération.

*Article* 34.— La Confédération a le droit de statuer des prescriptions uniformes sur le travail des enfants dans les fabriques, sur la durée du travail qui pourra y être imposé aux adultes, ainsi que sur la protection à accorder aux ouvriers contre l'exercice des industries insalubres et dangereuses.

Les opérations des agences d'émigration et des entreprises d'assurance non instituées par l'Etat sont soumises à la législation fédérale.

*Article* 34*b* (adopted in 1890).

La Confédération introduira, par voie législative, l'assurance en cas d'accident et de maladie, en tenant compte des caisses de secours existantes.

Elle peut déclarer la participation à ces assurances obligatoire en général ou pour certaines catégories déterminées de citoyens.

*Article* 35.— Il est interdit d'ouvrir des maisons de jeu. Celles qui existent actuellement seront fermées le 31 décembre 1877.

Les concessions qui auraient été accordées ou renouvelées depuis le commencement de l'année 1871 sont declarées nulles.

La Confédération peut aussi prendre les mesures nécessaires concernant les loteries.

*Article* 36.— Dans toute la Suisse, les postes et les télégraphes sont du domaine fédéral.

Le produit des postes et des télégraphes appartient à la caisse fédérale.

Les tarifs seront fixès d'après les mêmes principes et aussi équitablement que possible dans toutes les parties de la Suisse.

L'inviolabilité du secret des lettres et des télégrammes est garantie.

*Article* 37.— La Confédération exerce la haute surveillance sur les routes et les ponts dont le maintien l'intéresse.

Les sommes dues aux Cantons désignés à l'article 30, à raison

exportés du Canton, les droits payés pour l'entrée sont restitués sans qu'il en résulte d'autres charges.

*c.* Les produits d'origine suisse seront moins imposés que ceux de l'étranger.

*d.* Les droits actuels d'entrée sur les vins et les autres boissons spiritueuses d'origine suisse ne pouront être haussés par les Cantons où il en existe. Il n'en pourra être établi sur ces produits par les Cantons qui n'en perçoivent pas actuellement.

*e.* Les lois et les arrêtés des Cantons sur la perception des droits d'entrée sont, avant leur mise à exécution, soumis à l'approbation de l'autorité fédérale, afin qu'elle puisse, au besoin, faire observer les dispositions qui précèdent.

Tous les droits d'entrée perçus actuellement par les Cantons, ainsi que les droits analogues perçus par les communes, doivent disparaître sans indemnité à l'expiration de l'année 1890.

32*b* (adopted in 1885). La Confédération a le droit de décréter, par voie législative, des prescriptions sur la fabrication et la vente des boissons distillés. Toutefois, ces prescriptions ne doivent pas imposer les produits qui sont exportés ou qui ont subi une préparation les rendant impropres à servir de boissons. La distillation du vin, des fruits à noyaux ou à pepins et de leurs déchets, des racines de gentaine, des baies de geniêvres et d'autres matières analogues est exceptée des prescriptions fédérales concernant la fabrication et l'impôt.

Apres l'abolition des droits d'entrée sur les boissons spirituenses mentionnées à l'article 32 de la constitution fédérale, le commerce des boissons alcooliques non distillées ne pourra plus être soumis par les cantons à aucun impôt spécial, ni à d'autres restrictions que celles qui sont nécessaires pour protéger le consommateur contre les boissons falsifiées ou nuisibles à la santé. Restent toutefois réserées, en ce qui concerne l'exploitation des auberges et la vente en détail de quantités inféurieures à deux litres, les compétences attribuées aux cantons par l'article 31.

Les recettes nettes provenant des droits sur la vente des boissons distillées restent acquises aux cantons dans lesquels ces droits sont perçus.

Les recettes nettes de la Confédération résultant de la distillation indigène et de l'élévation correspondante des droits d'entrée sur les boissons distillées étrangères seront reparties entre tous les

cantons proportionellement à leur population de fait établie par le recensement fédéral le plus récent. Les cantons sont tenus d'employer au moins 10 % des recettes pour combattre l'alcoolisme dans ses causes et dans ses effets.

*Article* 33.— Les Cantons peuvent exiger des preuves de capacité de ceux qui veulent exercer des professions libérales.

La législation fédérale pourvoit à ce que ces derniers puissent obtenir à cet effet des actes de capacité valables dans toute la Confédération.

*Article* 34.— La Confédération a le droit de statuer des prescriptions uniformes sur le travail des enfants dans les fabriques, sur la durée du travail qui pourra y être imposé aux adultes, ainsi que sur la protection à accorder aux ouvriers contre l'exercice des industries insalubres et dangereuses.

Les opérations des agences d'émigration et des entreprises d'assurance non instituées par l'Etat sont soumises à la législation fédérale.

*Article* 34*b* (adopted in 1890).

La Confédération introduira, par voie législative, l'assurance en cas d'accident et de maladie, en tenant compte des caisses de secours existantes.

Elle peut déclarer la participation à ces assurances obligatoire en général ou pour certaines catégories déterminées de citoyens.

*Article* 35.— Il est interdit d'ouvrir des maisons de jeu. Celles qui existent actuellement seront fermées le 31 décembre 1877.

Les concessions qui auraient été accordées ou renouvelées depuis le commencement de l'année 1871 sont declarées nulles.

La Confédération peut aussi prendre les mesures nécessaires concernant les loteries.

*Article* 36.— Dans toute la Suisse, les postes et les télégraphes sont du domaine fédéral.

Le produit des postes et des télégraphes appartient à la caisse fédérale.

Les tarifs seront fixès d'après les mêmes principes et aussi équitablement que possible dans toutes les parties de la Suisse.

L'inviolabilité du secret des lettres et des télégrammes est garantie.

*Article* 37.— La Confédération exerce la haute surveillance sur les routes et les ponts dont le maintien l'intéresse.

Les sommes dues aux Cantons désignés à l'article 30, à raison

de leurs routes alpestres internationales, seront retenues par l'autorité fédérale si ces routes ne sont pas convenablement entretenues par eux.

*Article* 38.— La Confédération exerce tous les droits compris dans la régale des monnaies.

Elle a seule le droit de battre monnaie.

Elle fixe le système monétaire et peut édicter, s'il y a lieu, des prescriptions sur la tarification de monnaies étrangères.

(*Article* 39.—La Confédération a le droit de décréter par voie législative des prescriptions générales sur l'émission et le remboursement des billets de banque.

Elle ne peut cependant créer aucun monopole pour l'émission des billets de banque, ni décréter l'acceptation obligatoire de ces billets.)[1]

*Article* 39*a*.— Le droit d'émettre des billets de banque et toute autre monnaie fiduciaire appartient exclusivement à la Confédération.

La Confédération peut exercer le monopole des billets de banque au moyen d'une banque d'état placée sous une administration spéciale, ou en concéder l'exercice, sous réserve du droit de rachat, à une banque centrale par actions à créer qui serait administrée avec le concours et sous le contrôle de la Confédération.

La banque investie du monopole aura pour tâche principale de servir en Suisse de régulateur du marché de l'argent et de faciliter les opérations de paiement.

Le bénéfice net de la banque, deduction faite d'un intérêt ou d'un dividende équitable à servir au capital de dotation ou aux capital-actions et après prélèvement des versements à opérer au fonds de réserve, revient au moins pour les deux tiers aux cantons.

La banque et ses succursales seront exemptes de tout impôt dans les cantons.

L'acceptation obligatoire des billets de banque et de toute autre monnaie fiduciaire ne pourra être décrétée par la Confédération qu'en cas de necessité en temps de guerre.

La législation fédérale édictera les disposition relatives au siège de la banque, à ses bases, à son organisation et à l'exécution de cet article en général.[1]

*Article* 40.— La Confédération détermine le système des poids et mesures.

[1] **Article 39*a* was substituted for the original Article 39, in the year 1891.**

Les Cantons exécutent, sous la surveillance de la Confédération, les lois concernant cette matière.

*Article* 41.— La fabrication et la vente de la poudre de guerre dans toute la Suisse appartiennent exclusivement à la Confédération.

Les compositions minières impropres au tir ne sont point comprises dans la régale des poudres.

*Article* 42.— Les dépenses de la Confédération sont couvertes :

*a.* Par le produit de la fortune fédérale ;

*b.* Par le produit des péages fédéraux perçus à la frontière suisse ;

*c.* Par le produit des postes et des télégraphes ;

*d.* Par le produit de la régale des poudres ;

*e.* Par la moitié du produit brut de la taxe sur les exemptions militaires perçue par les Cantons ;

*f.* Par les contributions des Cantons, que réglera la législation fédérale, en tenant compte surtout de leur richesse et de leurs ressources imposables.

*Article* 43.— Tout citoyen d'un Canton est citoyen suisse.

Il peut, à ce titre, prendre part, au lieu de son domicile, à toutes les élections et votations en matière fédérale, après avoir dûment justifié de sa qualité d'électeur.

Nul ne peut exercer des droits politiques dans plus d'un Canton.

Le Suisse établi jouit, au lieu de son domicile, de tous les droits des citoyens du Cantons et, avec ceux-ci, de tous les droits des bourgeois de la commune. La participation aux biens des bourgeoisies et des corporations et le droit de vote dans les affaires purement bourgeoisiales sont exceptés de ces droits, à moins que la législation cantonale n'en décide autrement.

En matière cantonale et communale il devient électeur après un établissement de trois mois.

Les lois cantonales sur l'établissement et sur les droits électoraux que possèdent en matière communale les citoyens établis sont soumises à la sanction du Conseil fédéral.

*Article* 44.— Aucun Canton ne peut renvoyer de son territoire un de ses ressortissants, ni le priver du droit d'origine ou de cité.

La législation fédérale déterminera les conditions auxquelles les étrangers peuvent être naturalisés, ainsi que celles auxquelles un Suisse peut renoncer à sa nationalité pour obtenir la naturalisation dans un pays étranger.

*Article* 45.— Tout citoyen suisse a le droit de s'établir sur un point quelconque du territoire suisse, moyennant la production d'un acte d'origine ou d'une autre pièce analogue.

Exceptionnellement, l'établissement peut être *refusé* ou *retiré* à ceux qui, par suite d'un jugement pénal, ne jouissent pas de leurs droits civiques.

L'établissement peut être de plus *retiré* à ceux qui ont été à réitérées fois punis pour des délits graves, comme aussi à ceux qui tombent d'une manière permanente à la charge de la bienfaisance publique et auxquels leur commune, soit leur Canton d'origine, refuse une assistance suffisante après avoir été invitée officiellement à l'accorder.

Dans les Cantons où existe l'assistance au domicile, l'autorisation de s'établir peut être subordonnée, s'il s'agit de ressortissants du Canton, à la condition qu'ils soient en état de travailler et qu'ils ne soient pas tombés, à leur ancien domicile dans le Canton d'origine, d'une manière permanente à la charge de la bienfaisance publique.

Tout renvoi pour cause d'indigence doit être ratifié par le Gouvernement du Canton du domicile et communiqué préalablement au Gouvernement du Canton d'origine.

Le Canton dans lequel un Suisse établit son domicile ne peut exiger de lui un cautionnement, ni lui imposer aucune charge particulière pour cet établissement. De même, les communes ne peuvent imposer aux Suisses domiciliés sur leur territoire d'autres contributions que celles qu'elles imposent à leurs propres ressortissants.

Une loi fédérale fixera le maximum de l'émolument de chancellerie à payer pour obtenir un permis d'établissement.

*Article* 46.— Les personnes établies en Suisse sont soumises, dans la règle, à la juridiction et à la législation du lieu de leur domicile en ce qui concerne les rapports de droit civil.

La législation fédérale statuera les dispositions nécessaires en vue de l'application de ce principe, et pour empêcher qu'un citoyen ne soit imposé à double.

*Article* 47.— Une loi fédérale déterminera la différence entre l'établissement et le séjour et fixera en même temps les règles auxquelles seront soumis les Suisses en séjour quant à leurs droits politiques et à leurs droits civils.

*Article* 48.— Une loi fédérale statuera les dispositions nécessaires

pour régler ce qui concerne les frais de maladie et de sépulture des ressortissants pauvres d'un Canton tombés malades ou décédés dans un autre Canton.

*Article* 49.—La liberté de conscience et de croyance est inviolable.

Nul ne peut être contraint de faire partie d'une association religieuse, de suivre un enseignement religieux, d'accomplir un acte religieux, ni encourir des peines, de quelque nature qu'elles soient, pour cause d'opinion religieuse.

La personne qui exerce l'autorité paternelle ou tutélaire a le droit de disposer, conformément aux principes ci-dessus, de l'éducation religieuse des enfants jusqu'à l'âge de 16 ans révolus.

L'exercice des droits civils ou politiques ne peut être restreint par des prescriptions ou des conditions de nature ecclésiastique ou religieuse, quelles qu'elles soient.

Nul ne peut, pour cause d'opinion religieuse, s'affranchir de l'accomplissement d'un devoir civique.

Nul n'est tenu de payer des impôts dont le produit est spécialement affecté aux frais proprement dits du culte d'une communauté religieuse à laquelle il n'appartient pas. L'exécution ultérieure de ce principe reste réservée à la législation fédérale.

*Article* 50.—Le libre exercice des cultes est garanti dans les limites compatibles avec l'ordre public et les bonnes mœurs.

Les Cantons et la Confédération peuvent prendre les mesures nécessaires pour le maintien de l'ordre public et de la paix entre les membres des diverses communautés religieuses, ainsi que contre les empiétements des autorités ecclésiastiques sur les droits des citoyens et de l'Etat.

Les contestations de droit public ou de droit privé auxquelles donne lieu la création de communautés religieuses ou une scission de communautés religieuses existantes, peuvent être portées par voie de recours devant les autorités fédérales compétentes.

Il ne peut être érigé d'évêchés sur le territoire suisse sans l'approbation de la Confédération.

*Article* 51.—L'ordre des Jésuites et les sociétés qui lui sont affiliées ne peuvent être reçus dans aucune partie de la Suisse, et toute action dans l'Eglise et dans l'Ecole est interdite à leurs membres.

Cette interdiction peut s'étendre aussi, par voie d'arrêté fédéral,

à d'autres ordres religieux dont l'action est dangereuse pour l'Etat ou trouble la paix entre les confessions.

*Article* 52.— Il est interdit de fonder de nouveaux couvents ou ordres religieux et de rétablir ceux qui ont été supprimés.

*Article* 53.— L'état civil et la tenue des registres qui s'y rapportent est du ressort des autorités civiles. La législation fédérale statuera à ce sujet les dispositions ultérieures.

Le droit de disposer des lieux de sépulture appartient à l'autorité civile. Elle doit pourvoir à ce que toute personne décédée puisse être enterrée décemment.

*Article* 54.— Le droit au mariage est placé sous la protection de la Confédération.

Aucun empêchement au mariage ne peut être fondé sur des motifs confessionnels, sur l'indigence de l'un ou de l'autre des époux, sur leur conduite ou sur quelque autre motif de police que ce soit.

Sera reconnu comme valable dans toute la Confédération le mariage conclu dans un Canton ou à l'étranger, conformément à la législation qui y est en vigeur.

La femme acquiert par le mariage le droit de cité et de bourgeoisie de son mari.

Les enfants nés avant le mariage sont légitimés par le mariage subséquent de leurs parents.

Il ne peut être perçu aucune finance d'admission ni aucune taxe semblable de l'un ou de l'autre époux.

*Article* 55.— La liberté de la presse est garantie.

Toutefois les lois cantonales statuent les mesures nécessaires à la répression des abus; ces lois sont soumises à l'approbation du Conseil fédéral.

La Confédération peut aussi statuer des peines pour réprimer les abus dirigés contre elle ou ses autorités.

*Article* 56.— Les citoyens ont le droit de former des associations, pourvu qu'il n'y ait dans le but de ces associations ou dans les moyens qu'elles emploient rien d'illicite ou de dangereux pour l'Etat. Les lois cantonales statuent les mesures nécessaires à la répression des abus.

*Article* 57.— Le droit de pétition est garanti.

*Article* 58.— Nul ne peut être distrait de son juge naturel. En conséquence, il ne pourra être établi de tribunaux extraordinaires.

La juridiction ecclésiastique est abolie.

*Article* 59.— Pour réclamations personnelles, le débiteur solvable ayant domicile en Suisse doit être recherché devant le juge de son domicile; ses biens ne peuvent en conséquene être saisis ou séquestrés hors du Canton où il est domicilié, en vertu de réclamations personnelles.

Demeurent réservées, en ce qui concerne les étrangers, les dispositions des traités internationaux.

La contrainte par corps est abolie.

*Article* 60.— Tous les Cantons sont obligés de traiter les citoyens des autres Etats confédérés comme ceux de leur Etat en matière de législation et pour tout ce qui concerne les voies juridiques.

*Article* 61.— Les jugements civils définitifs rendus dans un Canton sont exécutoires dans toute la Suisse.

*Article* 62.— La traite foraine est abolie dans l'intérieur de la Suisse, ainsi que le droit de retrait des citoyens d'un Canton contre ceux d'autres Etats confédérés.

*Article* 63.— La traite foraine à l'égard des pays étrangers est abolie sous réserve de réciprocité.

*Article* 64.— La législation
sur la capacité civile,
sur toutes les matières du droit se rapportant au commerce et aux transactions mobilières (droit des obligations, y compris le droit commercial et le droit de change),
sur la propriété littéraire et artistique,
sur la poursuite pour dettes et la faillite,
est du resort de la Confédération.

L'administration de la justice reste aux Cantons, sous réserve des attributions du Tribunal fédéral.

*Article* 65.— Il ne pourra être prononcé de condamnation à mort pour cause de délit politique.

Les peines corporelles sont interdites.

*Article* 66.— La législation fédérale fixe les limites dans lesquelles un citoyen suisse peut être privé de ses droits politiques.

*Article* 67.— La législation fédérale statue sur l'extradition des accusés d'un Canton à l'autre; toutefois l'extradition ne peut être rendue obligatoire pour les délits politiques et ceux de la presse.

*Article* 68.— Les mesures à prendre pour incorporer les gens sans patrie (*Heimatlosen*) et pour empêcher de nouveaux cas de ce genre, sont réglées par la loi fédérale.

*Article* 69.— La législation concernant les mesures de police sanitaire contre les épidémies et les épizooties qui offrent un danger général, est du domaine de la Confédération.

*Article* 70.— La Confédération a le droit de renvoyer de son territoire les étrangers qui compromettent la sûreté intérieure ou extérieure de la Suisse.

## Chapitre II.

## AUTORITES FEDERALES.

### I. Assemblée Federale.

*Article* 71.— Sous réserve des droits du peuple et des Cantons (articles 89 et 121), l'autorité suprême de la Confédération est exercée par l'Assemblée fédérale, qui se compose de deux Sections ou Conseils, savoir :

A. le Conseil national;
B. le Conseil des Etats.

### A. *Conseil national.*

*Article* 72.— Le Conseil national se compose des députés du peuple suisse, élus à raison d'un membre par 20,000 âmes de la population totale. Les fractions en sus de 10 mille âmes sont comptées pour 20 mille.

Chaque Canton et, dans les Cantons partagés, chaque demi-Canton élit un député au moins.

*Article* 73.— Les élections pour le Conseil national sont directes. Elles ont lieu dans des colléges électoraux fédéraux, qui ne peuvent toutefois être formés de parties de différents Cantons.

*Article* 74.— A droit de prendre part aux élections et aux votations tout Suisse âgé de vingt ans révolus et qui n'est du reste point exclu du droit de citoyen actif par la législation du Canton dans lequel il a son domicile.

Toutefois, la législation fédérale pourra régler d'une maniére uniforme l'exercice de ce droit.

*Article* 75.— Est éligible comme membre du Conseil national tout citoyen suisse laïque et ayant droit de voter.

*Article* 76.— Le Conseil national est élu pour trois ans et renouvelé intégralement chaque fois.

*Article* 77.— Les députés au Conseil des Etats, les membres du Conseil fédéral et les fonctionnaires nommés par ce Conseil ne peuvent être simultanément membres du Conseil national.

*Article* 78.— Le Conseil national choisit dans son sein, pour chaque session ordinaire ou extraordinaire, un Président et un vice-Président.

Le membre qui a été Président pendant une session ordinaire ne peut, à la session ordinaire suivante, revêtir cette charge ni celle de vice-Président.

Le même membre ne peut être vice-Président pendant deux sessions ordinaires consécutives.

Lorsque les avis sont également partagés, le Président décide; dans les élections, il vote comme les autres membres.

*Article* 79.— Les membres du Conseil national sont indemnisés par la Caisse fédérale.

### B. *Conseil des Etats.*

*Article* 80.— Le Conseil das Etats se compose de quarante-quatre députés des Cantons. Chaque Canton nomme deux députés; dans les Cantons partagés, chaque demi-Etat en élit un.

*Article* 81.— Les membres du Conseil national et ceux du Conseil fédéral ne peuvent être députés au Conseil des Etats.

*Article* 82.— Le Conseil des Etats choisit dans son sein, pour chaque session ordinaire ou extraordinaire, un Président et un vice-Président.

Le Président ni le vice-Président ne peuvent être élus parmi les députés du Canton dans lequel a été choisi le Président pour la session ordinaire qui a immédiatement précédé.

Les députés du même Canton ne peuvent revêtir la charge de vice-Président pendant deux sessions ordinaires consécutives.

Lorsque les avis sont également partagés, le Président décide; dans les élections, il vote comme les autres membres.

*Article* 83.— Les députés au Conseil des Etats sont indemnisés par les Cantons.

### C. *Attributions de l'Assemblée fédérale.*

*Article* 84.— Le Conseil national et le Conseil des Etats délibèrent sur tous les objets que la présente Constitution place dans le

ressort de la Confédération et qui ne sont pas attribués à une autre autorité fédérale.

*Article* 85.— Les affaires de la compétence des deux Conseils sont notamment les suivantes :

1. Les lois sur l'organisation et le mode d'élection des autorités fédérales ;

2. Les lois et arrêtés sur les matières que la Constitution place dans la compétence fédérale ;

3. Le traitement et les indemnités des membres des autorités de la Confédération et de la Chancellerie fédérale ; la création de fonctions fédérales permanentes et la fixation des traitements ;

4. L'élection du Conseil fédéral, du Tribunal fédéral et du Chancelier, ainsi que du Général en chef de l'armée fédérale ;

La législation fédérale pourra attribuer à l'Assemblée fédérale d'autres droits d'élection ou de confirmation ;

5. Les alliances et les traités avec les Etats étrangers, ainsi que l'approbation des traités des Cantons entre eux ou avec les Etats étrangers ; toutefois les traités des Cantons ne sont portés à l'Assemblée fédérale que lorsque le Conseil fédéral ou un autre Canton élève des réclamations ;

6. Les mesures pour la sûreté extérieure ainsi que pour le maintien dé l'indépendance et de la neutralité de la Suisse ; les déclarations de guerre et la conclusion de la paix ;

7. La garantie des Constitutions et du territoire des Cantons ; l'intervention par suite de cette garantie ; les mesures pour la sûreté intérieure de la Suisse, pour le maintien de la tranquillité et de l'ordre ; l'amnistie et le droit de grâce ;

8. Les mesures pour faire respecter la Constitution fédérale et assurer la garantie des Constitutions cantonales, ainsi que celles qui ont pour but d'obtenir l'accomplissement des devoirs fédéraux ;

9. Le droit de disposer de l'armée fédérale ;

10. L'établissement du budget annuel, l'approbation des comptes de l'Etat et les arrêtés autorisant des emprunts :

11. La haute surveillance de l'administration et de la justice fédérales ;

12. Les réclamations contre les décisions du Conseil fédéral relatives à des contestations administratives (art. 113) ;

13. Les conflits de compétence entre autorités fédérales ;

14. La révision de la Constitution fédérale.

*Article* 86.— Les deux Conseils s'assemblent, chaque année une fois, en session ordinaire, le jour fixé par le règlement.

Ils sont extraordinairement convoqués par le Conseil fédéral, ou sur la demande du quart des membres du Conseil national ou sur celle de cinq Cantons.

*Article* 87.— Un Conseil ne peut délibérer qu'autant que les députés présents forment la majorité absolue du nombre total de ses membres.

*Article* 88.— Dans le Conseil national et dans le Conseil des Etats les délibérations sont prises à la majorité absolue des votants.

*Article* 89.— Les lois fédérales, les décrets et les arrêtés fédéraux ne peuvent être rendus qu'avec l'accord des deux Conseils.

Les lois fédérales, sont soumises à l'adoption ou au rejet du peuple, si la demande en est faite par 30,000 citoyens actifs ou par huit Cantons. Il en est de même des arrêtés fédéraux qui sont d'une portée générale et qui n'ont pas un caractère d'urgence.

*Article* 90.— La législation fédérale déterminera les formes et les délais à observer pour les votations populaires.

*Article* 91.— Les membres des deux Conseils votent sans instructions.

*Article* 92.— Chaque Conseil délibère séparément. Toutefois, lorsqu'il s'agit des élections mentionnées à l'article 85, chiffre 4, d'exercer le droit de grâce ou de prononcer sur un conflit de compétence (article 85, chiffre 13), les deux Conseils se réunissent pour délibérer en commun sous la direction du Président du Conseil national, et c'est la majorité des membres votants des deux Conseils qui décide.

*Article* 93.— L'initiative appartient à chacun des deux Conseils et à chacun de leurs membres.

Les Cantons peuvent exercer le même droit par correspondance.

*Article* 94.— Dans la règle, les séances des Conseils sont publiques.

## II. Conseil Federal.

*Article* 95.— L'autorité directoriale et exécutive supérieure de la Confédération est exercée par un Conseil fédéral composé de sept membres.

*Article* 96.— Les membres du Conseil fédéral sont nommés pour trois ans, par les Conseils réunis, et choisis parmi tous les citoyens

suisses éligibles au Conseil national. On ne pourra toutefois choisir plus d'un membre du Conseil fédéral dans le même Canton.

Le Conseil fédéral est renouvelé intégralement après chaque renouvellement du Conseil national.

Les membres qui font vacance dans l'intervalle des trois ans sont remplacés, à la première session de l'Assemblée fédérale, pour le reste de la durée de leurs fonctions.

*Article* 97.— Les membres du Conseil fédéral ne peuvent, pendant la durée de leurs fonctions, revêtir aucun autre emploi, soit au service de la Confédération, soit dans un Canton, ni suivre d'autre carrière ou exercer de profession.

*Article* 98.— Le Conseil fédéral est présidé par le Président de la Confédération. Il a un vice-Président.

Le Président de la Confédération et le vice-Président du Conseil fédéral sont nommés pour une année, par l'Assemblée fédérale, entre les membres du Conseil.

Le Président sortant de charge ne peut être élu Président ou vice-Président pour l'année qui suit.

Le même membre ne peut revêtir la charge de vice-Président pendant deux années de suite.

*Article* 99.— Le Président de la Confédération et les autres membres du Conseil fédéral reçoivent un traitement annuel de la Caisse fédérale.

*Article* 100.— Le Conseil fédéral ne peut délibérer que lorsqu'il y a au moins quatre membres présents.

*Article* 101.— Les membres du Conseil fédéral ont voix consultative dans les deux Sections de l'Assemblée fédérale, ainsi que le droit d'y faire des propositions sur les objets en délibération.

*Article* 102.— Les attributions et les obligations du Conseil fédéral, dans les limites de la présente Constitution, sont notamment les suivantes.

1. Il dirige les affaires fédérales, conformément aux lois et arrêtés de la Confédération.

2. Il veille à l'observation de la Constitution, des lois et des arrêtés de la Confédération, ainsi que des prescriptions des concordats fédéraux; il prend, de son chef ou sur plainte, les mesures nécessaires pour les faire observer, lorsque le recours n'est pas du nombre de ceux qui doivent être portés devant le Tribunal fédéral à teneur de l'art. 113.

3. Il veille à la garantie des Constitutions cantonales.

4. Il présente des projets de lois ou d'arrêtés à l'Assemblée fédérale et donne son préavis sur les propositions qui lui sont adressées par les Conseils ou par les Cantons.

5. Il pourvoit à l'exécution des lois et des arrêtés de la Confédération et à celle des jugements du Tribunal fédéral, ainsi que des transactions ou des sentences arbitrales sur des différends entre Cantons.

6. Il fait les nominations qui ne sont pas attribuées à l'Assemblée fédérale ou au Tribunal fédéral ou à une autre autorité.

7. Il examine les traités des Cantons entre eux ou avec l'étranger, et il les approuve, s'il y a lieu (article 85, chiffre 5).

8. Il veille aux intérêts de la Confédération au dehors, notamment à l'observation de ses rapports internationaux, et il est, en général, chargé des relations extérieures.

9. Il veille à la sûreté extérieure de la Suisse, au maintien de son indépendance et de sa neutralité.

10. Il veille à la sûreté intérieure de la Confédération, au maintien de la tranquillité et de l'ordre.

11. En cas d'urgence et lorsque l'Assemblée fédérale n'est pas réunie, le Conseil fédéral est autorisé à lever les troupes nécessaires et à en disposer, sous réserve de convoquer immédiatement les Conseils, si le nombre des troupes levées dépasse deux mille hommes ou si elles restent sur pied au delà de trois semaines.

12. Il est chargé de ce qui a rapport au militaire fédéral, ainsi que de toutes les autres branches de l'administration qui appartiennent à la Confédération.

13. Il examine les lois et les ordonnances des Cantons qui doivent être soumises à son approbation ; il exerce la surveillance sur les branches de l'administration cantonale qui sont placées sous son contrôle.

14. Il administre les finances de la Confédération, propose le budget et rend les comptes des recettes et des dépenses.

15. Il surveille la gestion de tous les fonctionnaires et employés de l'administration fédérale.

16. Il rend compte de sa gestion à l'Assemblée fédérale, à chaque session ordinaire, lui présente un rapport sur la situation de la Confédération tant à l'intérieur qu'au dehors, et recommande à son attention les mesures qu'il croit utiles à l'accroissement de la prospérité commune.

Il fait aussi des rapports spéciaux lorsque l'Assemblée fédérale ou une de ses Sections le demande.

*Article* 103.— Les affaires du Conseil fédéral sont réparties par départements entre ses membres. Cette répartition a uniquement pour but de faciliter l'examen et l'expédition des affaires ; les décisions émanent du Conseil fédéral comme autorité.

*Article* 104.— Le Conseil fédéral et ses départements sont autorisés à appeler des experts pour des objets spéciaux.

### III. Chancellerie Federale.

*Article* 105.— Une chancellerie fédérale, à la tête de laquelle se trouve le Chancelier de la Confédération, est chargée du secrétariat de l'Assemblée fédérale et de celui du Conseil fédéral.

Le Chancelier est élu par l'Assemblée fédérale pour le terme de trois ans, en même temps que le Conseil fédéral.

La chancelleries est sous la surveillance spécial du Conseil fédéral.

Une loi fédérale détermine ce qui a rapport à l'organisation de la chancellerie.

### IV. Tribunal Federal.

*Article* 106.— Il y a un Tribunal fédéral pour l'administration de la justice en matiére fédérale.

Il y a, de plus, un Jury pour les affaires pénales (article 112).

*Article* 107.— Les membres et les suppléants du Tribunal fédéral sont nommés par l'Assemblée fédérale, qui aura égard à ce que les trois langues nationales y soient représentées.

La loi détermine l'organisation du Tribunal fédéral et de ses sections, le nombre de ses membres et des suppléants, la durée de leurs fonctions et leur traitement.

*Article* 108.— Peut être nommé au Tribunal fédéral tout citoyen suisse éligible au Conseil national.

Les membres de l'Assemblée fédérale et du Conseil fédéral et les fonctionnaires nommés par ces autorités ne peuvent en même temps faire partie du Tribunal fédéral.

Les membres du Tribunal fédéral ne peuvent, pendant la durée de leurs fonctions, revêtir aucun autre emploi, soit au service de la Confédération, soit dans un Canton, ni suivre d'autre carrière ou exercer de profession.

*Article* 109.— Le Tribunal fédéral organise sa chancellerie et en nomme le personnel.

*Article* 110.— Le Tribunal fédéral connaît des différends de droit civil:

1. entre la Confédération et les Cantons;
2. entre la Confédération d'une part et des corporations ou des particuliers d'autre part, quand ces corporations ou ces particuliers sont demandeurs et quand le litige atteint le degré d'importance que déterminera la législation fédérale;
3. entre Cantons;
4. entre des Cantons d'une part et des corporations ou des particuliers d'autre part, quand une des parties le requiert et que le litige atteint le degré d'importance que déterminera la législation fédérale.

Il connaît de plus des différends concernant le *heimatlosat*, ainsi que des contestations qui surgissent entre communes de différents Cantons, touchant le droit de cité.

*Article* 111.— Le Tribunal fédéral est tenu de juger d'autres causes, lorsque les parties s'accordent à le nantir et que l'objet en litige atteint le degré d'importance que déterminera la législation fédérale.

*Article* 112.— Le tribunal fédéral assisté du Jury, lequel statue sur les faits, connaît en matière pénale:

1. des cas de haute trahison envers la Confédération, de révolte ou de violence contre les autorités fédérales;
2. des crimes et des délits contre le droit des gens;
3. des crimes et des délits politiques qui sont la cause ou la suite de troubles par lesquels une intervention fédérale armée est occasionnée;
4. des faits relevés à la charge de fonctionnaires nommés par une autorité fédérale, quand cette autorité en saisit le Tribunal fédéral.

*Article* 113.— Le Tribunal fédéral connaît, en outre:

1. des conflits de compétence entre les autorités fédérales, d'une part, et les autorités cantonales, d'autre part;
2. des différends entre Cantons, lorsque ces différends sont du domaine du droit public;
3. des réclamations pour violation de droits constitutionnels des citoyens, ainsi que des réclamations de particuliers pour violation de concordats ou de traités.

Sont réservées les contestations administratives, à déterminer par la législation fédérale.

Dans tous les cas prémentionnés, le Tribunal fédéral appliquera les lois votées par l'Assemblée fédérale et les arrêtés de cette Assemblée qui ont une portée générale. Il se conformera également aux traités que l'Assemblée fédérale aura ratifiés.

*Article* 114.— Outre les cas mentionnés aux articles 110, 112 et 113, la législation fédérale peut placer d'autres affaires dans la compétence du Tribunal fédéral; elle peut, en particulier, donner à ce Tribunal des attributions ayant pour but d'assurer l'application uniforme des lois prévues à l'article 64.

### V. Dispositions Diverses.

*Article* 115.— Tout ce qui concerne le siége des autorités de la Confédération est l'objet de la législation fédérale.

*Article* 116.— Les trois principales langues parlées en Suisse, l'allemand, le français et l'italien, sont langues nationales de la Confédération.

*Article* 117.— Les fonctionnaires de la Confédération sont responsables de leur gestion. Une loi fédérale détermine ce qui tient à cette responsabilité.

## Chapitre III.[1]

### REVISION DE LA CONSTITUTION FEDERALE

*Article* 118.— La constitution fédérale peut être révisée en tout temps (totalement ou partiellement).

*Article* 119.— La révision (totale) a lieu dans les formes statuées pour la législation fédérale.

*Article* 120.— Lorsqu'une section de l'assemblée fédérale décrète la révision (totale) de la constitution fédérale et que l'autre section n'y consent pas, ou bien lorsque cinquante mille citoyens suisses ayant droit de voter demandent la révision (totale), la question de savoir si la constitution fédérale doit être révisée est, dans l'un comme dans l'autre cas, soumise à la votation du peuple suisse, par oui ou par non.

[1] The words and parts of this chapter inclosed in brackets were added by the amendment of July 5, 1891.

Si, dans l'un ou dans l'autre de ces cas, la majorité des citoyens suisses prenant part à la votation se prononce pour l'affimative, les deux conseils seront renouvelés, pour travailler à la révision.

(*Article* 121.— La revision partielle peut avoir lieu, soit par la voie de l'initiative populaire, soit dans les formes statuées pour la législation fédérale.

L'initiative populaire consiste en une demande présentée par 50,000 citoyens suisses ayant le droit de vote et réclamant l'adoption d'un nouvel article constitutionnel ou l'abrogation ou la modification d'articles déterminés de la constitution en vigueur.

Si, par la voie de l'initiative populaire, plusieurs dispositions différentes sont présentées pour être revisées ou pour être introduites dans la constitution fédérale, chacune d'elles doit former l'objet d'une demande d'initiative distincte.

La demande d'initiative peut revêtir la forme d'une proposition conçue en termes généraux ou celle d'un projet rédigé de toutes pièces.

Lorsque la demande d'initiative est conçue en termes généraux les chambres fédérales, si elles l'approuvent, procéderont à la révision partielle dans le sens indiqué et en soumettront le projet à l'adoption ou au rejet du peuple et des cantons. Si, au contraire, elles ne l'approuvent pas, la question de la révision partielle sera soumise à la votation du peuple; si la majorité des citoyens suisses prenant part à la votation se prononce pour l'affirmative, l'assemblée fédérale procédera à la révision en se conformant à la décision populaire.

Lorsque la demande revêt la forme d'un projet rédigé de toutes pièces et que l'assemblée fédérale lui donne son approbation, le projet sera soumis à l'adoption ou au rejet du peuple et des cantons. Si l'assemblée fédérale n'est pas d'accord, elle peut élaborer un projet distinct ou recommender au peuple le rejet du projet proposé et soumettre à la votation son contre-projet ou sa proposition de rejet en même temps que le projet émané de l'initiative populaire.)

(*Article* 122.— Une loi fédérale déterminera les formalités à observer pour les demandes d'initiative populaire et les votations relatives à la révision de la constitution fédérale.)

*Article* 123.— La constitution fédérale révisée (ou la partie révisée de la constitution) entre en vigueur lorsqu'elle a été

acceptée par la majorité des citoyens suisses prenant part à la votation et par la mojorité des états.

Pour établir la majorité des états, le vote d'un demi-canton est compté pour une demi-voix.

Le résultat de la votation populaire dans chaque canton est considéré comme le vote de l'état.

Since the plates of the foregoing text were cast, the following amendments to the Swiss Constitution have been adopted:

(1) *July* 11, 1897: La Confédération a le droit de légiferer: *a)* sur le commerce des denrées alimentaires; *b)* sur le commerce d'autre articles de ménage et objets usuels en tant qu'ils peuvent mettre en danger la santé et la vie.— L'exécution des lois édictées dans ces domaines a lieu par les cantons sous la surveillance et avec l'appui financier de la Conféderation.— Le contrôle sur l'importation à la frontiére nationale appartient à la Confédération.

(2) *July* 11, 1897: Au premier alinéa de l'art. 24 de la Constitution fédérale du 29 mai 1897, les mots " dans les régions élevées " sont retrenchés. Cet alinéa recoit donc la teneur suivante.

*Article* 24.— La Confédération a le droit de haute surveillance sur la police des endiguements et des forêts.

(3) *Nov.* 13, 1898. *Droit civil:* La disposition suivante est insérée dans la Constitution fédérale et forme le deuxieme alinéa de l'article 64:

La Confederation a le droit de légiférer aussi sur les autres matieres du droit civil.

Le dernier alinéa de l'article 64 de la Constitution fédérale est modifié comme suit:

L'organization judiciaire, la procédure et l'administration de la justice demeurent aux cantons dans la même mesure que par le passé.

(4) *Nov.* 13, 1898. *Droit pénal:* L'article 64 *bis* ainsi concu est inséré dans la Constitution fédérale:

La Confederation a le droit de légiférer en matière de droit pénal.

L'organization judiciaire, la procédure et l'administration de la justice demeurent aux cantons dans la même mesure que par le passé.

La Confédération a le droit d'accorder aux cantons des subventions pour les construction d'établissements pénitentiaires, de maisons de travail et de correction, ainsi que pour les réformes à réaliser dans l'exécution des peines. Elle a également le droit de prêter son concours à des institutions protectrices de l'enfance abandonnée.

(5) On July 10, 1887, the following words were also added to the first clause of Article 64:

"Sur la protection des dessins et modèles nouveaux, ainsi que des inventions représentées par des modèles et applicable à l'industrie."

# FRANCE.

## LOIS CONSTITUTIONNELLES.

### I.— LOI DU 25 FEVRIER 1875.

#### RELATIVE A L'ORGANISATION DES POUVOIRS PUBLICS.

*Article premier.*— Le pouvoir législatif s'exerce par deux assemblées : la Chambre des députés et le Sénat.

La Chambre des députés est nommée par le suffrage universel, dans les conditions déterminées par la loi électorale.

La composition, le mode de nomination et les attributions du Sénat seront réglés par une loi spéciale.

*Article* 2.— Le Président de la Republique est élu à la majorité absolue des suffrages par le Sénat et par la Chambre des députés réunis en Assemblée nationale.

Il est nommé pour sept ans. Il est rééligible.

*Article* 3.— Le Président de la République a l'initiative des lois, concurremment avec les membres des deux Chambres. Il promulgue les lois lorsqu'elles ont été votées par les deux Chambres; il en surveille et en assure l'exécution.

Il a le droit de faire grâce; les amnisties ne peuvent être accordées que par une loi.

Il dispose de la force armée.

Il nomme à tous les emplois civils et militaires.

Il préside aux solennités nationales ; les envoyés et les ambassadeurs des puissances étrangères sont accrédités auprès de lui.

Chacun des actes du Président de la République doit être contresigné par un ministre.

*Article* 4.— Au fur et à mesure des vacances qui se produiront à partir de la promulgation de la présente loi, le Président de la République nomme, en conseil des ministres, les conseillers d'Etat en service ordinaire.

Les conseillers d'Etat ainsi nommés ne pourront être révoqués que par décret rendu en conseil des ministres.

Les conseillers d'Etat nommés en vertu de la loi du 24 mai 1872 ne pourront, jusqu'à l'expiration de leurs pouvoirs, être révoqués que dans la forme déterminée par cette loi. Après la séparation de l'Assemblée nationale, la révocation ne pourra être prononcée que par une résolution du Sénat.

*Article* 5 — Le Président de la République peut, sur l'avis conforme du Sénat, dissoudre la Chambre des députés avant l'expiration légale de son mandat.

En ce cas, les collèges électoraux sont convoqués pour de nouvelles élections dans le délai de trois mois.

*Article* 6.— Les ministres sont solidairement responsables devant les Chambres de la politique général du gouvernement, et individuellement de leurs actes personnels.

Le Président de la République n'est responsable que dans le cas de haute trahison.

*Article* 7.— En cas de vacance par décès ou pour toute autre cause, les deux Chambres réunies procèdent immédiatement à l'élection d'un nouveau président.

Dans l'intervalle; le conseil des ministres est investi du pouvoir exécutif.

*Article* 8.— Les Chambres auront le droit, par délibérations séparées prises dans chacune à la majorité absolue des voix, soit spontanément, soit sur la demande du Président de la République, de déclarer qu'il y a lieu de reviser les lois constitutionnelles.

Après que chacune des deux Chambres aura pris cette résolution, elles se réuniront en Assemblée nationale pour procéder à la revision.

Les délibérations portant revision des lois constitutionnelles, en tout ou en partie, devront être prises à la majorité absolue des membres composant l'Assemblée nationale.

Toutefois, pendant la durée des pouvoirs conférés par la loi du 20 novembre 1873 à M. le maréchal de Mac-Mahon, cette revision ne peut avoir lieu que sur la proposition du Président de la République.

*Article* 9.— Le siège du pouvoir exécutif et des deux Chambres est à Versailles.[1]

[1] By an Amendment, adopted in 1879, Paris was made the seat of government; but with the provision that when the two chambers meet as "the National Assembly," to elect a President or to amend the *lois constitutionelles*, the meeting shall be held at Versailles.

## II.—LOI DU 24 FEVRIER 1875.[1]

### RELATIVE A L'ORGANISATION DU SENAT.

*Article premier.*— Le Sénat se compose de trois cents membres: Deux cent vingt-cinq élus par les départments et les colonies, et soixante-quinze élus par l'Assemblée nationale.

*Article* 2.— Les départments de la Seine et du Nord éliront chacun cinq sénateurs;

Les départements de la Seine-Inférieure, Pas-de-Calais, Gironde, Rhône, Finistère, Côtes-du-Nord, chacun quatre sénateurs.

Les départements de la Loire-Inférieure, Saône-et-Loire, Ille-et-Vilaine, Seine-et-Oise, Isère, Puy-de-Dôme, Somme, Bouches-du-Rhône, Aisne, Loire, Manche, Maine-et-Loire, Morbihan, Dordogne, Haute-Garonne, Charente-Inférieure, Calvados, Sarthe, Hérault, Basses-Pyrénées, Gard, Aveyron, Vendée, Orne, Oise, Vosges, Allier, chacun trois sénateurs;

Tous les autres départements, chacun deux sénateurs.

Le territoire de Belfort, les trois départements de l'Algérie, les quatre colonies de la Martinique, de la Guadeloupe, de la Réunion et des Indes françaises éliront chacun un sénateur.

*Article* 3.— Nul ne peut être sénateur s'il n'est Français âgé de quarante ans au moins, et s'il ne jouit de ses droits civils et politiques.

*Article* 4.— Les sénateurs des départements et des colonies sont élus à la majorité absolue et, quand il y a lieu, au scrutin de liste, par un collège réuni au chef-lieu du département ou de la colonie et composé: 1. des députés; 2. des conseillers généraux; 3. des sonseillers d'arrondissement; 4. des delégués élus, un par chaque conseil municipal, parmi les électeurs de la commune.

Dans l'Inde française, les membres du conseil colonial ou des conseils locaux sont substitués aux conseillers d'arrondissement et aux délégués des conseils municipaux.

Ils votent au chef-lieu de chaque établissement.

*Article* 5.—Les sénateurs nommés par l'Assemblée sont élus au scrutin de liste et à la majorité absolue des suffrages.

*Article* 6.— Les sénateurs des départements et des colonies sont élus pour neuf années et renouvelables, par tiers, tous les trois ans.

[1] The first seven articles of this *loi* were repealed in 1884. See *Loi* IV, art. 3, and the Act of Dec. 10, 1884, art. 9.

Au début de la première session, les départements seront divisés en trois séries, contenant chacune un nombre égal de sénateurs ; il sera procédé, par le voie du tirage au sort, à la désignation des séries qui devront être renouvelées à l'expiration de la premiére et de la deuxième période triennale.

*Article* 7.— Les sénateurs élus par l'Assemblée sont inamovibles.

En cas de vacance par décès démission ou autre cause, il sera, dans les deux mois, pourvu au remplacement par le Sénat lui-même.

*Article* 8.— Le Sénat a, concurremment avec la Chambre des députés, l'initiative et la confection des lois. Toutefois les lois de finances doivent être, en premier lieu, présentées à la Chambre des députés et votées par elle.

*Article* 9.— Le Sénat peut être constitué en cour de justice pour juger soit le président de la République, soit les ministres, et pour connaître des attentats commis contre la sûreté de l'Etat.

*Article* 10.— Il sera procédé à l'élection du Sénat un mois avant l'époque fixée par l'Assemblée nationale pour sa séparation.

Le Sénat entrera en fonctions et se constituera le jour même où l'Assemblée nationale se séparera.

(*Délibéré* le 24 février 1875 ; promulgué au *Journal officiel* du 28 février 1875.)

## III.—LOI CONSTITUTIONNELLE DU 16 JUILLET 1875.

### SUR LES RAPPORTS DES POUVOIRS PUBLICS.

*Article premier.*— Le Sénat et la Chambre des députés se réunissent chaque année, le second mardi de janvier, à moins d'une convocation antérieure faite par le président de la République.

Les deux Chambres doivent être réunies en session cinq mois au moins chaque année. La session de l'une commence et finit en même temps que celle de l'autre.

Le dimanche qui suivra la rentrée, des prières publiques seront addressées à Dieu dans les églises et dans les temples pour appeler son secours sur les travaux des Assemblées.[1]

*Article* 2.— Le président de la République prononce la clôture de la session. Il a le doit de convoquer extraordinairement les Chambres.

[1] Repealed in 1884.

Il devra les convoquer si la demande en est faite, dans l'intervalle des sessions, par la majorité absolue des membres composant chaque Chambre.

Le Président peut ajourner les Chambres. Toutefois, l'ajournement ne peut excéder le terme d'un mois, ni avoir lieu plus de deux fois dans la même session.

*Article* 3.— Un mois au moins avant le terme légal des pouvoirs du président de la République, les Chambres devront être réunies en Assemblée nationale pour procéder à l'élection du nouveau Président.

A défaut de convocation, cette reunion aurait lieu de plein droit le quinzième jour avant l'expiration de ces pouvoirs.

En cas de décès ou de démission du président de la République, les deux Chambres se réunissent immédiatement et de plein droit.

Dans le cas où, par application de l'article 5 de la loi du 25 février 1875, la Chambre des députés se trouverait dissoute au moment où la présidence de la République deviendrait vacante, les collèges électoraux seraient aussitôt convoqués, et le Sénat se réunirait de plein droit.

*Article* 4.— Toute assemblée de l'une des deux Chambres qui serait tenue hors du temps de la session commune est illicite et nulle de plein droit, sauf le cas prévu par l'article précédent et celui où le Sénat est réuni comme cour de justice, et, dans ce dernier cas, il ne peut exercer que des fonctions judiciairies.

*Article* 5.— Les séances du Sénat et celles de la Chambre des députés sont publiques.

Néanmoins chaque Chambre peut se former en comité secret, sur la demande d'un certain nombre de ses membres, fixé par le règlement.

Elle décide ensuite, à la majorité absolue, si la séance doit être reprise en public sur le même sujet.

*Article* 6.— Le président de la République communique avec les Chambres par des messages qui sont lus à la tribune par un ministre.

Les ministres ont leur entrée dans les deux Chambres et doivent être entendus quand ils le demandent. Ils peuvent se faire assister par des commissaires désignés pour la discussion d'un projet de loi déterminé, par décret du président de la République.

*Article* 7.— Le président de la République promulgue les lois dans le mois qui suit la transmission au gouvernement de la loi définitivement adoptée. Il doit promulguer dans les trois jours les lois dont la promulgation, par un vote exprès dans l'une et l'autre Chambre, aura été déclarée urgente.

Dans le délai fixé pour la promulgation, le président de la République peut, par un message motivé, demander aux deux Chambres une nouvelle délibération, qui ne peut être refusée.

*Article* 8.— Le président de la République négocie et ratifie les traités. Il en donne connaissance aux Chambres aussitôt que l'intérêt et la sûreté de l'Etat le permettent.

Les traités de paix, de commerce, les traités qui engagent les finances de l'Etat, ceux qui sont relatifs à l'état des personnes et au droit de propriété des Français à l'étranger, ne sont définitifs qu'après avoir été votés par les deux Chambres. Nulle cession, nul échange, nulle adjonction de territoire ne peut avoir lieu qu'en vertu d'une loi.

*Article* 9.— Le président de la République ne peut déclarer la guerre sans l'assentiment préalable des deux Chambres.

*Article* 10.— Chacune des Chambres est juge de l'éligibilité de ses membres et de la régularité de leur élection ; elle peut seule recevoir leur démission.

*Article* 11.— Le bureau de chacune des deux Chambres est élu chaque année pour la durée de la session, et pour toute session extraordinaire qui aurait lieu avant la session ordinaire de l'année suivante.

Lorsque les deux Chambres se réunissent en Assemblé nationale, leur bureau se compose des président, vice-présidents et secrétaires du Sénat.

*Article* 12.— Le président de la République ne peut être mis en accusation que par la Chambre des députés et ne peut être jugé que par le Sénat.

Les ministres peuvent être mis en accusation par la Chambre des députés pour crimes commis dans l'exercise de leurs fonctions. En ce cas, ils sont jugés par le Sénat.

Le Sénat peut être constitué en cour de justice par un décret du Président de la République, rendu en Conseil des ministres, pour juger toute personne prévenue d'attentat commis contre la sûreté de l'Etat.

Si l'instruction est commencée par la justice ordinaire, le décret de convocation du Sénat peut être rendu jusqu'à l'arrêt de renvoi.

Une loi déterminera le mode de procéder pour l'accusation, l'instruction et le jugement.

*Article* 13.— Aucun membre de l'une ou de l'autre Chambre ne peut être poursuivi ou recherché à l'occasion des opinions ou votes émis par lui dans l'exercice de ses fonctions.

*Article* 14.— Aucun membre de l'une ou de l'autre Chambre ne peut, pendant la durée de la session, être poursuivi ou arrêté en matière criminelle ou correctionnelle qu'avec l'autorisation de la Chambre dont il fait partie, sauf le cas de flagrant délit.

La détention ou la poursuite d'une membre de l'une ou de l'autre Chambre est suspendue pendant la session, et pour toute sa durée, si la Chambre le requiert.

(Délibéré les 22 juin et 7 juillet 1875 ; promulgué au *Journal officiel* du 18 juillet 1875.)

## IV.

## LOI PORTANT REVISION PARTIELLE DES LOIS CONSTITUTIONNELLES.

L'Assemblée nationale a adopté.

Le Président de la République promulgue la loi dont la teneur suit :

*Article* 1.— Le paragraphe 2 de l'article 5 de la loi constitutionnelle du 25 février 1875, relative à l'organisation des pouvoirs publics, est modifié ainsi qu'il suit :

"En ce cas, les collèges électoraux sont réunis pour de nouvelles élections dans le délai de deux mois et la Chambre dans les dix jours qui suivront la clôture des opérations électorales."

*Article* 2.— Le paragraphe 3 de l'article 8 de la même loi du 25 février 1875 est complété ainsi qu'il suit :

"La forme républicaine du Gouvernement ne peut faire l'objet d'une proposition de révision.

"Les membres des familles ayant régné sur la France sont inéligibles à la Présidence de la République."

*Article* 3.— Les articles 1 à 7 de la loi constitutionnelle du 24 février 1875, relative à l'organisation du Sénat, n'auront plus le caractère constitutionnel.

*Article* 4.— Le paragraphe 3 de l'article 1 de la loi constitutionnelle du 16 juillet 1875, sur les rapports des pouvoirs publics, est abrogé.

La présente loi, délibérée et adoptée par l'Assemblée nationale, sera exécutée comme loi de l'Etat.

Fait à Paris, le 14 août 1884.

## V.

## LOI PORTANT MODIFICATION AUX LOIS ORGANIQUES SUR L'ORGANISATION DU SENAT ET LES ELECTIONS DES SENATEURS.

Le Sénat et la Chambre des députés ont adopté.

Le Président de la République promulgue la loi dont la teneur suit :

*Article* 1.— Le Sénat se compose de trois cents membres élus par les départements et les colonies.

Les membres actuels, sans distinction entre les sénateurs élus par l'Assemblée nationale ou le Sénat et ceux qui sont élus par les départements et les colonies, conservent leur mandat pendant le temps pour lequel ils ont été nommés.

*Article* 4.—Nul ne peut être sénateur s'il n'est Français, âgé de quarante ans au moins et s'il ne jouit de ses droits civils et politiques.

Les membres des familles qui ont régné sur la France sont inéligibles au Sénat.

*Article* 6.— Les sénateurs sont élus au scrutin de liste quand il y a lieu, par un collège réuni au chef lieu du département ou de la colonie et composé :

1. Des députes ;
2. Des conseillers généraux ;
3. Des conseillers d'arrondissement ;
4. Des délégués élus parmi les électeurs de la commune, par chaque conseil municipal.

Les conseils composés de 10 membres éliront 1 délégué.

Les conseils composés de 12 membres éliront 2 délégués.

Les conseils composés de 16 membres éliront 3 délégués.

Les conseils composés de 21 membres éliront 6 délégués.

Les conseils composés de 23 membres éliront 9 délégués.

Les conseils composés de 27 membres éliront 12 délégués.

Les conseils composés de 30 membres éliront 15 délégués.

Les conseils composés de 32 membres éliront 18 délégués.

Les conseils composés de 34 membres éliront 21 délégués.

Les conseils composés de 36 membres et audessus éliront 24 délégués.

Le conseil municipal de Paris élira 30 délégués.

Dans l'Inde française, les membres des conseils locaux sont substitutés aux conseillers d'arrondissement. Le conseil municipal de Pondichéry élira 5 délégués. Le conseil municipal de Karikal élira 3 délégués. Toutes les autres communes éliront chacune 2 délégués.

Le vote a lieu au chef-lieu de chaque établissement.

*Article* 7.— Les membres du Sénat sont élus pour neuf années.

Le Sénat se renouvelle tous les trois ans, conformément à l'ordre des séries de départements et colonies actuellement existantes.

*Article* 8.— Les articles 2 (paragraphes 1 et 2), 3, 4, 5, 8, 14, 16, 19, 23 de la loi organique du 2 aout 1875, sur les elections des sénateurs, sont modifiés ainsi qu'il suit:

"*Article* 2 (paragraphes 1 et 2).— Dans chaque conseil municipal, l'élection des délégués se fait, sans débat, au scrutin secret, et, le cas échéant, au scrutin de liste, à la majorité absolue des suffrages. Après deux tours de scrutin, la majorité relative suffit, et, en cas d'égalité de suffrages, le plus âgé est élu."

*Article* 9.— Sont abrogés:

1. Les articles 1 à 7 de la loi du 24 février 1875 sur l'organisation de Sénat;

2. Les articles 24 et 25 de la loi du 2 août 1875 sur les élections des sénateurs.

Fait à Paris le 10 déc. 1884.

# CONSTITUTION OF THE GERMAN EMPIRE.

His Majesty the King of Prussia, in the name of the North German Confederation, His Majesty the King of Bavaria, His Majesty the King of Wurtemburg, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and by Rhine for the part of Hesse lying south of the Main, make a perpetual Federation for the protection of the federal territory and the laws prevailing therein, as well as for promoting the welfare of the German people. This Federation shall bear the name German Empire, and shall have the following Constitution:

## I. Territory of the Federation.

*Article* 1.— [Declares that the territory of the Empire consists of the united territories of the several States composing the Empire. See list in Article 6. Alsace-Lorraine and Heligoland have been added to the Empire since this Constitution was adopted.]

## II. Legislation of the Empire.

*Article* 2.— Within this territory the Empire exercises the right of legislation according to the provisions of this Constitution, and the laws of the Empire shall take precedence of those of each individual State. The laws of the Empire acquire their binding force by imperial promulgation, which takes place through an imperial Gazette. Whenever a law thus promulgated fixes no other date for going into force, it shall take effect on the fourteenth day from the date of promulgation.

*Article* 3. There exists a common nationality for all Germany; consequently, a person (subject or citizen) belonging to any one State is to be treated as a member of the community in every other State; and accordingly, is to be admitted to settled residence, to industrial pursuits, to public offices, to the acquisition of land, to the attainment of political rights, and to the enjoyment of all other civil rights on the same terms as natives of the

State; also, as regards access to the courts and the protection of the laws, is to be treated on a footing of equality with the natives of the State.

No German shall be hindered in the exercise of these rights by the authorities of his own State, nor by the authorities of any other State.

Existing enactments relative to care of the poor and admission into local communal associations, shall not be affected by the principle announced in the first paragraph.

Likewise, until further action, those treaties remain in force which have been made between individual States, regarding the reception of banished persons, the care of sick and the burial of deceased subjects of such States.

As regards the fulfilment of military duty in relation to the native State, requisite provisions shall be made by way of imperial law.

Towards foreign countries all Germans have equal claim to the protection of the Empire.

*Article* 4.— The following matters shall be subject to the supervision of the Empire and to the legislation thereof:

1. Regulations respecting freedom of migration, domicile, and the settlement of natives of one State in the territory of another; the rights of citizenship; the issuing and examination of passports and surveillance of foreigners; industrial affairs including insurance business, so far as these matters are not already provided for by Article 3 of this Constitution (in Bavaria, however, exclusive of laws relating to domicile and the settlements of natives of one state in the territory of another); and likewise matters relating to colonization and emigration to foreign countries.

2. Legislation concerning custom duties and commerce, and such taxes as are to be applied to the uses of the Empire.

3. Regulation of weights and measures, and the coinage, together with the emission of funded and unfunded paper money.

4. Banking regulations in general.

5. Patents for inventions.

6. The protection of literary property.

7. The organization of a common protection for German trade in foreign countries, for German navigation, and for the German flag upon the high seas; likewise the organization of a common consular representation of the Empire.

8. Railway matters (subject in Barvaria to the provision of Article 46) and the construction of means of communication by land and water for the purposes of national defense and of general commerce.

9. Rafting and navigation upon those water-ways which are common to several states, and the condition of such waters, as likewise tolls on rivers and other waters; also aids to navigation (lighthouses, buoys, beacons, and other day-marks).[1]

10. Postal and telegraphic affairs; but in Bavaria and Wurtemburg these shall be subject to the provisions of Article 52.

11. Regulations concerning the mutual execution of judicial decrees in civil matters, and the fulfilment of requisitions in general.

12. The authentication of public documents.

13. [Common legislation regarding the law of obligations, criminal law, commercial law, and the law relating to bills of exchange; likewise judicial proceedings.]

**An amendment promulgated Dec. 20, 1873, substituted the following paragraph for the original clause numbered 13:**

Common legislation regarding civil rights, criminal law, and judicial procedure.

14. The imperial army and navy.

15. The surveillance of the medical and veterinary professions.

16. Provisions regarding the press and societies.

*Article* 5.—The legislative power of the Empire shall be exercised by the Federal Council and the Diet. A majority of the votes of both houses shall be necessary and sufficient for the passage of a law.

In the case of bills relating to the army or navy, or to the imposts specified in Article 35, the vote of the King of Prussia shall decide when, in case of a difference of opinion in the Federal Council, said vote shall be in favor of the retention of existing arrangements.

[1] AMENDMENT. [Promulgated in the Imperial Gazette, March 3, 1873.]

We, William, by the Grace of God German Emperor, King of Prussia, etc., do ordain that which follows in the name of the German Empire, the consent of the Federal Council and Imperial Diet having been obtained thereto:

In Article 4 of the Imperial Constitution the following addition is to be made to the ninth section:

Also aids to navigation (lighthouses, buoys, beacons, and other day-marks).

Signed, etc. (L.S.) WILLIAM.

## III. Federal Council.

*Article* 6.— The Federal Council shall consist of the representatives of the members of the Confederation, among whom the votes shall be divided in such a manner that Prussia, including the former votes of Hanover, the electorate of Hesse, Holstein, Nassau, and Frankfort shall have 17 votes; Bavaria, 6 votes; Saxony, 4 votes; Wurtemburg, 4 votes; Baden, 3 votes; Hesse, 3 votes; Mecklenburg-Schwerin, 2 votes; Saxe-Weimar, 1 vote; Mecklenburg-Strelitz, 1 vote; Oldenburg, 1 vote; Brunswick, 2 votes; Saxe-Meiningen, 1 vote; Saxe Altenburg, 1 vote; Saxe-Coburg-Gotha, 1 vote; Anhalt, 1 vote; Schwarzburg-Rudolstadt, 1 vote; Schwarzburg-Sondershausen, 1 vote; Waldeck, 1 vote; Reuss, elder branch, 1 vote; Reuss, younger branch, 1 vote; Schaumburg-Lippe, 1 vote; Lippe, 1 vote; Lubeck, 1 vote; Bremen, 1 vote; Hamburgh, 1 vote; total 58 votes. Each member of the Confederation may appoint as many plenipotentiaries to the Federal Council as it has votes; all the votes belonging to each shall, however, be cast as a unit.

*Article* 7.— The Federal Council acts upon —

1. The measures to be proposed to the Diet, and the bills and resolutions passed by the same.

2. The general administrative directions and regulations necessary for the execution of the laws of the Empire, so far as no other provision is made by said laws.

3. Defects that may be discovered in the execution of the laws of the Empire or of the directions and regulations above mentioned. Each member of the Confederation shall have the right to introduce motions, and it shall be the duty of the *praesidium* to submit them for deliberation.

Legislative action shall take place by simple majority, with the exceptions of the provisions in Articles 5, 37, and 78. Votes not represented or not instructed shall not be counted. In the case of a tie, the vote of the *praesidium* shall decide.

When legislative action is taken upon a subject which, according to the provisions of this Constitution, does not affect the whole Empire, the votes of only those states of the Confederation shall be counted which shall be interested in the matter in question.

*Article* 8.— The Federal Council shall appoint from its own members standing committees —

1. On the army and the fortifications.
2. On maritime affairs.
3. On customs-duties and taxes.
4. On commerce and trade.
5. On railroads, post-offices, and telegraphs.
6. On judicial affairs.
7. On accounts.

In each of these committees there shall be representatives of at least four States of the Confederation besides the *praesidium*, and each State shall be entitled to only one vote in the same.

In the committee on the army and fortifications Bavaria shall have a permanent seat; the remaining members of it, as well as the members of the committee on maritime affairs, shall be appointed by the Emperor; the members of the other committees shall be elected by the Federal Council. The committees shall be newly constituted at each session of the Federal Council, *i. e.*, each year. The retiring members shall again be eligible.

Besides, there shall be appointed in the Federal Council a committee on foreign affairs, over which Bavaria shall preside, to be composed of the plenipotentiaries of the Kingdoms of Bavaria, Saxony, and Wurtemburg, and of two plenipotentiaries of other States of the Empire, who shall be elected annually by the Federal Council.

Clerks shall be placed at the disposal of the committees to perform the necessary work appertaining thereto.

*Article* 9.— Each member of the Federal Council shall have the right to appear in the Diet, and shall be heard there at any time when he shall so request in order to present the views of his government, even when those views have not been adopted by the majority of the Federal Council. Nobody shall be at the same time a member of the Federal Council and of the Diet.

*Article* 10.— The Emperor shall afford the customary diplomatic protection to the members of the Federal Council.

## IV. Praesidium.

*Article* 11.— The presidency of the Confederation belongs to the King of Prussia, who shall have the title of German Emperor.

The Emperor shall represent the Empire among nations, declare war, and conclude peace in the name of the same, enter into alliances and other conventions with foreign countries, accredit and receive ambassadors.

For a declaration of war in the name of the Empire, the consent of the Federal Council shall be required, except in case of an attack upon the territory of the Confederation or its coasts.

So far as treaties with foreign countries refer to matters which, according to Article 4, belong to the domain of imperial legislation, the consent of the Federal Council shall be required for their ratification, and the approval of the Diet shall be necessary to their validity.

*Article* 12.— The Emperor shall have the right to convene, to open, to adjourn and to prorogue the Federal Council and the Diet.

*Article* 13.— The convocation of the Federal Council and the Diet shall take place annually, and the Federal Council may be called together for the preparation of business without the Diet; the latter, however, shall not be convoked without the Federal Council.

*Article* 14.— The convocation of the Federal Council shall take place as soon as demanded by one-third of its whole number of votes.

*Article* 15.— The Chancellor of the Empire, who shall be appointed by the Emperor, shall be Chairman of the Federal Council, and shall conduct its business.

The Chancellor of the Empire shall have the right to name, in writing, any other member of the Federal Council to act as his representative.

*Article* 16.— The necessary proposals shall be laid before the Diet in the name of the Emperor, in accordance with the resolutions of the Federal Council, and they shall be presented in the Diet by members of the Federal Council or by special commissioners appointed by said Council.

*Article* 17.— The Emperor shall issue and promulgate the laws of the Empire, and shall watch over the execution of the same. The commands and directions of the Emperor shall be issued in the name of the Empire, and require for their validity the signature of the Chancellor, who thereby assumes the responsibility.

*Article* 18.— The Emperor shall appoint the officers of the Empire, require them to take the oath of allegiance to the Empire, and in necessary cases, order their discharge.

Officials of the States of the Confederation, when called into the imperial service, shall enjoy toward the Empire the same rights to which they were entitled in their native States by their official position, provided no other provision shall have been made by imperial laws previously to their entrance into the service of the Empire.

*Article* 19.— If members of the Confederation shall not fulfil their constitutional duties, they may be compelled thereto by military execution. This execution is to be ordered by the Federal Council and enforced by the Emperor.

## V. The Diet.

*Article* 20.— The members of the Diet shall be chosen by direct election, with universal suffrage and secret ballot.

Until regulated by law, as contemplated by section 5 of the election law of May 31, 1869 (Federal Gazette, 1869, page 145), 48 deputies shall be elected in Bavaria, 17 in Wurtemburg, 14 in Baden, 6 in Hesse south of the river Main, and the total number of members shall be 382. [Now 397 by the addition of 15 members from Alsace-Lorraine.

*Article* 21.— Officials shall not need a leave of absence in order to enter the Diet.

When a member of the Diet accepts a salaried office of the Empire, or a salaried office in one of the States of the Confederation, or accepts any office of the Empire, or of a State, with which a higher rank or salary is connected, he shall forfeit his seat and vote in the Diet, but may recover his place in the same by a new election.

*Article* 22. — The proceedings of the Diet shall be public.

Truthful reports of the proceedings of the public sessions of the Diet shall subject those making them to no responsibility.

*Article* 23.— The Diet shall have the right to propose laws within the jurisdiction of the Empire, and to refer petitions addressed to it to the Federal Council or to the Chancellor of the Empire.

*Article* 24.— The legislative period of the Diet shall be five years.[1] The Diet may be dissolved at any time by a resolution of the Federal Council, with the consent of the Emperor.

*Article* 25.— In the case of a dissolution of the Diet, new elections shall take place within a period of 60 days, and the Diet shall be convoked within a period of 90 days after the dissolution.

*Article* 26.— Unless by consent of the Diet a prorogation of that body shall not exceed the period of 30 days, and shall not be repeated during the same session, without such consent.

*Article* 27.— The Diet shall examine the election returns of its members and decide thereon. It shall determine its rules of proceeding and its own discipline, and elect its president, vice-presidents, and secretaries.

*Article* 28.— The Diet decides questions by absolute majority. To render a valid decision the presence of a majority of the lawful number of members is necessary.

In deciding on matters that, according to the provisions of this Constitution, are not common to the whole Empire, the votes of only those members shall be counted who shall have been elected in those States of the Confederation to which the matter is common. [This provision was repealed in 1873.]

*Article* 29.— The members of the Diet are the representatives of the entire people, and shall not be bound by orders and instructions.

*Article* 30.— No member of the Diet shall at any time suffer prosecution whether by judicial or administrative process, on account of his vote, or on account of utterances made while in the performance of his functions, or be otherwise held responsible outside of the Diet for his actions.

*Article* 31.— Without the consent of the Diet, none of its members shall be tried or arrested, during the session, for any punishable offence, except when seized in the act of committing the offence, or in the course of the following day.

Similar approval is necessary in the case of arrests for debt.

On demand of the Diet, all prosecutions instituted against any of its members, and likewise detentions and civil arrests, shall be suspended during its session.

*Article* 32.— The members of the Diet shall not, as such, draw any salary, or allowance for expenses.

[1] Originally three years, but changed by an act of 1888 to five years.

## VI. Customs-duties and Commerce.

*Article* 33.— For purposes of customs-duties and commerce Germany constitutes one territory, with a common tariff boundary. Those portions of territory which, on account of their situation, could not conveniently be included within the common tariff boundary, are excluded therefrom.

All articles which enter freely into the commerce of any State of the federation, may be conveyed into every other State, and shall be subject, in such other State, only to such taxes or dues as are imposed on similar articles produced by its own inhabitants.

*Article* 34.— The Hanse cities of Bremen and Hamburg with an adequate district of their own or of neighboring territory, remain as free ports outside of the common tariff boundary, until they themselves ask to be included within it.

*Article* 35.— The Empire has the exclusive power to legislate concerning everything relating to the common tariff; concerning the taxation of salt and tobacco produced in the territory of the Confederation; concerning the taxation of manufactured brandy and beer, and of sugar and syrup prepared from beets or other domestic products; concerning the mutual protection against evasion of excise taxes levied in the several States of the Empire; as well as concerning the measures which are required, as regards the places exempted from the payment of duties, for the security of the common customs frontier.

In Bavaria, Wurtemburg, and Baden the taxation of domestic brandy and beer is reserved for the legislation of the State. The States of the Confederation shall, however, endeavor to bring about uniformity of legislation regarding the taxation of these articles.

*Article* 36.— The collection and administration of the customs and excise duties within each State remain in the hands of the State authorities, so far as this has been the practice hitherto.

The Emperor supervises the observance of lawful procedure by means of imperial officers whom he appoints with the approval of the Committee of the Federal Council on Taxation, to act in conjunction with the customs and tax officers and financial departments of the several States.

Reports made by these imperial officers regarding defects in the execution of the common legislation (Art. 35) will be laid before the Federal Council for action thereon.

*Article* 37.— In the decision of questions relating to the administrative measures appropriate for giving effect to the common legislation, the vote of Prussia shall be decisive when it is in favor of maintaining the existing rule or arrangement.

*Article* 38.— The proceeds of the customs-duties and of those of the other dues mentioned in Article 35 that are subject to imperial legislation, shall be paid into the imperial treasury.

These proceeds are the net yield of the customs-duties and other imperial dues after the deduction of:

(1) The drawbacks and remissions of duties provided for by law or by general administrative regulations;

(2) Amounts refunded on account of not having been lawfully payable;

(3) Costs of collection and administration, that is to say:

(*a*) In the case of customs-duties, the costs which are necessary for their protection and enforcement on the national frontiers.

(*b*) In the case of the salt tax, the amounts applied to the payment of the officers charged with the collection and control of this tax at the salt-works.

(*c*) In the case of the taxes on beet-sugar and tobacco, the allowances granted from time to time, according to the orders of the Federal Council, to the governments of the several States for the costs of administering these taxes.

(*d*) In the case of the remaining taxes, fifteen per cent of the gross proceeds.

The territories lying outside of the common customs boundary contribute to the revenues of the Empire by the payment of an *aversum*.

Bavaria, Wurtemburg, and Baden have no share in the expenditure of the revenue accruing to the imperial treasury from the taxes on brandy and beer, nor of the portion of the *aversum* above mentioned, corresponding to these taxes.

*Article* 39.— Quarterly reports are to be submitted at the end of every three months by the finance department of each State, as well as annual reports at the end of each year, showing the yield of the customs-duties and of the excise taxes imposed according to Article 38 for the benefit of the imperial treasury; and

these accounts after being verified are to be summarized by the superior officers of finance in the several States, in such a manner as to show the yield of each tax separately, and these summaries are to be laid before the Committee of Accounts of the Federal Council.

The Committee, on the basis of these summaries, determines provisionally, every three months, how much is due from the treasury of each State to the imperial treasury, and communicates its finding to the Federal Council and to the several States; also it reports to the Federal Council at the end of each year, its final determination of the amounts so due for the year. The Federal Council acts upon the report.

## VII. Railways.

*Article* 41.— Railways which are considered necessary for the defence of Germany or for purposes of general commerce, may be built for the account of the Empire by a law of the Empire, even in opposition to the will of those members of the Confederation through whose territory the railroads run, without detracting from the rights of the sovereign of that country; or private companies may be charged with their construction and receive rights of expropriation.

Every existing railway company is bound to permit new railroad lines to be connected with it, at the expense of these latter.

All laws granting existing railway companies the right of injunction against the building of parallel or competing lines are hereby abolished throughout the Empire, without detriment to rights already acquired. Such right of injunction can not be granted in concessions to be given hereafter.

*Article* 42.— The governments of the federal States bind themselves in the interest of general commerce, to have the German railways managed as a uniform network, and for this purpose to have all new lines constructed and equipped according to a uniform system.

*Article* 43.— Accordingly, as soon as possible, uniform arrangements as to management shall be made, and especially shall uniform regulations be instituted for the police of the railroads. The Empire shall take care that the administrative officers of the rail-

way lines keep the roads always in such a condition as is required for public security, and that they be equipped with such rolling stock as the needs of trade demand.

*Article* 44.— Railway companies are bound to establish such passenger trains of suitable velocity as may be required for through traffic, and for the establishment of connecting time-tables; also, to make provision for such freight trains as may be necessary for commercial purposes, and to establish arrangements for the direct forwarding of passengers and freight trains, transferring cars, when necessary, from one road to another, for the customary rates.

*Article* 45.— The Empire shall have control over the tariff of charges. The same shall endeavor to cause:

1. Uniform traffic regulations to be speedily introduced on all German railway lines.

2. The tariff to be reduced and made uniform as far as possible, and particularly to cause a reduction of the rates for the transport of coal, coke, wood, minerals, stone, salt, crude iron, fertilizers, and similar articles, for long distances, in keeping with the needs of agriculture and industry, and to introduce a one-penny tariff as soon as practicable.

*Article* 46.—In case of distress, especially in the case of an extraordinary rise in the price of provisions, it shall be the duty of the railway companies to adopt temporarily a low special tariff, to be fixed by the Emperor, on motion of the competent committee of the Federal Council, for the forwarding of grain, flour, vegetables, and potatoes. This tariff shall, however, not be less in the case of each line, than its lowest rate for raw produce.

The foregoing provisions, and those of Articles 42 to 45, shall not apply to Bavaria.

The imperial government has, however, the power also with regard to Bavaria to establish, by way of legislation, uniform rules for the construction and equipment of such railroads as may be important for the defence of the country.

*Article* 47.— The managers of all railroads shall be required to obey, promptly, requisitions made by the authorities of the Empire for the use of their roads for the defence of Germany. Particularly shall the troops and all material of war be forwarded at uniform reduced rates.

## VIII. Mails and Telegraphs.

*Article* 48.— The mails and telegraphs shall be organized and managed as consolidated state institutions throughout the German Empire. The legislation of the Empire in regard to postal and telegraphic affairs, provided for in Article 4, does not extend to those matters which, according to the principles which have controlled the North German administration of mails and telegraphs, are settled by administrative rules and orders.

*Article* 49.— The receipts from the post-office and telegraphs are an imperial revenue throughout the Empire. The expenses shall be paid from the general receipts. The surplus goes into the treasury of the Empire. (Chap. XII.)

*Article* 50.— The Emperor has the supreme supervision of the administration of mails and telegraphs. The authorities appointed by him are in duty bound and authorized to see that uniformity is established and maintained in the organization of the administration and in the transaction of business, as also in regard to the qualifications of officials.

The Emperor shall have the power to make general administrative rules and orders and also exclusively to regulate the relations with the postal and telegraph systems of other countries.

It shall be the duty of all officers of the post-office and telegraph department to obey imperial orders. This obligation shall be included in their oath of office.

The appointment of such superior officers (*e. g.* directors, counsellors, and superintendents) as shall be required for the administration of the mails and telegraphs in the various districts, also the appointment of supervising officers of the posts and telegraphs (such as inspectors or controllers), acting for the aforesaid authorities in the several districts, shall be made by the Emperor for the whole territory of the German Empire, and these officers shall take the oath of fealty to him as a part of their oath of office. The governments of the several States shall be informed in due time, with a view to confirmation and publication by them, of the aforementioned appointments, so far as they may relate to their territories.

Other officers required by the department of mails and telegraphs, as also all officers to be employed for local and technical

service, officiating therefore at fixed places, shall be appointed by the respective governments of the States. Where an independent State postal and telegraph system does not exist, the provisions of the separate treaties shall apply.

*Article* 51.— [Made a temporary provision for assigning to each State its proper quota of the postal surplus, for the eight years following its admission to the Empire.]

*Article* 52.— The provisions of the foregoing Articles 48 to 51 do not apply to Bavaria and Wurtemburg. In their stead the following provisions apply to these two States:

The Empire has exclusive legislative power regarding the privileges of the postal and telegraphic services, regarding the relations of both with the public, regarding the franking privilege and postal rates, excepting, however, regulations and the fixing of rates for the internal mail service within Bavaria and Wurtemburg; excepting likewise the charges for telegraphic correspondence within those States.

The Empire also has the power of regulating postal and telegraphic intercourse with foreign countries, excepting the direct intercourse of Bavaria and Wurtemburg with their neighboring countries outside the Empire, the regulation of which shall be subject to the provisions of Article 49 of the postal treaty of November 23, 1867.

Bavaria and Wurtemburg shall have no share in the revenue accruing to the imperial treasury from the postal and telegraphic services.

## IX. Marine and Navigation.

*Article* 53.— The navy of the Empire is a single force, under the supreme command of the Emperor. The Emperor is charged with its organization and composition, and he shall appoint the officers and officials of the navy, and in his name these and the seamen are to be sworn in.

The harbor of Kiel and the harbor of the Iade are imperial war harbors.

The expenditures required for the establishment and maintenance of the navy and the institutions connected therewith shall be defrayed from the treasury of the Empire.

All sea-faring men of the Empire, including engineers and ship-wrights, are exempt from service in the army, but obliged to serve in the imperial navy.

The apportionment of men to supply the wants of the navy shall be made according to the actual sea-faring population, and the quota furnished in accordance herewith by each State shall be credited to the State in its quota for the land army.

*Article* 54.— The merchant vessels of all the States of the Empire form a single merchant marine.

The Empire shall determine the manner of ascertaining the tonnage of merchant vessels, shall regulate the carrying of registers and other papers, and shall fix the conditions for the certification of masters and mates.

The merchant vessels of all the States of the Empire shall be admitted and treated on equal terms in all the ports and on all the natural and artificial water-ways of each State. The port-dues imposed on ships or their cargoes for the benefit of marine institutions, shall not exceed the costs of maintenance and customary repair of these establishments.

On all natural water-ways dues shall be imposed only for the use of special establishments designed to facilitate commerce. These dues, as well as the charges for passing over artificial water-ways belonging to the States, must not exceed the necessary costs of maintenance and customary repairs of these institutions and works. These provisions apply to rafting, so far as the same is carried on on navigable water-ways.

The power of imposing on foreign vessels or their cargoes other or higher dues than are imposed on German vessels or their cargoes does not belong to any State of the federation, but only to the Empire.

*Article* 55.— The flag of the navy and the merchant marine is black, white, and red.

## X. The Consular System.

*Article* 56.— The whole consular service of the German Empire is under the supervision of the Emperor, who shall appoint the Consuls on the recommendation of the Committee of the Federal Council on Trade and Commerce.

In the official district of a German consul, no new consulate of any State can be established. The German consuls exercise in their districts the functions of State Consuls for those States that are not represented there. All the existing consulates of the separate States shall be abolished as soon as the organization of German consulates is so far completed that, in the opinion of the Federal Council, the interests of all the separate States are sufficiently represented by German consuls.

## XI. Military Affairs of the Empire.

*Article* 57.— Every German is subject to military duty, and in the discharge of this duty no substitute can be accepted.

*Article* 58.— The costs and burdens of the general military system of the Empire are to be borne by all the States and their subjects equally, so that neither privileges nor special burdens of single States or classes shall be allowed in principle. Where equal sharing of the burdens in kind is impossible without injury to the public welfare, a just equalization shall be made by law.

*Article* 59.— Every German capable of bearing arms shall serve for seven years in the standing army, ordinarily from the end of his twentieth to the beginning of his twenty-eighth year; the first three years with the colors, the last four years in the reserve; during the next five years he shall belong to the *Landwehr* of the first class; and then, until the 31st of March of the year in which he becomes 39 years old, in the *Landwehr* of the second class.

*Article* 60.— . . The number of men to be kept in the army, on a peace footing, shall be determined by imperial law.

*Article* 61.— After the publication of this constitution the full Prussian military law shall be introduced without delay throughout the Empire, as well the statutes themselves as the regulations, instructions and rescripts issued for their execution, explanation, or completion; more particularly the Army Criminal Code of April 3, 1845; the ordinance relating to Courts Martial of April 3, 1845, the decree as to Courts of Honor of July 20, 1843, the provisions as to the levy of conscripts, the time of service, rations, and attendance, billeting, compensation for injury to grounds, mobilization, etc., both in peace and war. The

regulations as to religious exercises in the army are, however, not included.

After the organization of the German army has been completed on a uniform plan, a comprehensive military law for the Empire shall be laid before the Diet and the Federal Council for adoption in accordance with this Constitution.

*Article* 62.— For covering the cost of the combined German army and the establishments belonging thereto, there shall be placed annually at the disposal of the Emperor, until December 31, 1871, as many times 225 thalers as there are soldiers in the army on a peace footing. Compare Ch. XII.

After December 31, 1871, these contributions of the several States shall be paid into the imperial treasury. For the determination of the amount thereof, the provisional peace footing adopted in Article 60 shall be used, until the same shall be changed by an imperial law.

The expenditure of this sum for the combined army of the Empire and its establishments, shall be regulated by the budget law.

In the fixing of the military budget the military organization lawfully established in accordance with this constitution, shall be taken as the basis of the whole.

*Article* 63.— The total land force of the Empire shall form one army, which, in war and in peace, shall be under the command of the Emperor.

The regiments, etc., shall bear continuous numbers throughout the whole German army. For the uniforms, the colors and cut of the royal army of Prussia shall serve as a pattern. The commanders of the several contingents shall have the right to fix upon the special badges (cocades, etc.) for their contingents.

It shall be the duty and the right of the Emperor to take care that, throughout the German army, all divisions be kept full and in good condition, and that unity be established and maintained in regard to organization and formation, in armor and command, in the training of the men, as well as in the qualification of the officers. For this purpose the Emperor shall be authorized to satisfy himself at any time of the condition of the several contingents, and to provide remedies for any defects that may be found.

The Emperor fixes the aggregate number, the rank and divisions of the contingents of the imperial army, as well as the

organization of the *Landwehr;* and has authority to designate the garrisons within the territory of the Empire as also to order the placing of any portion of the imperial army on a war footing.

In order to maintain the necessary unity in the administration, commissariat, arms, and equipment of all divisions of the German army, all orders issued in future for the Prussian army, are to be communicated in appropriate manner, through the committee on the army and fortresses, provided for in Article 8, to the commanders of the other contingents, to be observed by them.

*Article* 64.— All German troops are bound implicitly to obey the orders of the Emperor. This obligation shall be included in the oath taken on entering the army. The commander-in-chief of each contingent, as well as all officers commanding troops of more than one contingent, and all commanders of fortresses, shall be appointed by the Emperor. The officers appointed by the Emperor shall take the oath of fealty to him. The appointment of generals, or of officers performing the duties of generals in each contingent, shall be in all cases subject to the approval of the Emperor.

As regards transfers, with or without promotion, the Emperor is empowered in selecting officers for the imperial service, whether in the Prussian army or in the other contingents, to choose from among the officers of all the contingents of the imperial army.

*Article* 65.— The right to build fortresses within the territory of the Empire belongs to the Emperor, who shall propose a grant of the necessary means so far as not covered by the ordinary appropriation, in accordance with Chapter XII.

*Article* 66.— Where special conventions do not otherwise provide, the princes of the Empire and the Senates in the free cities, appoint the officers of their contingents, subject to the limitation of Article 64. They are chiefs of all the troops belonging to their respective territories, and shall enjoy all the honors attached to this rank. They have explicitly the right of inspection at all times, and in addition to the usual reports and notices of changes communicated with a view to publication by them, they shall receive timely information of promotions and appointments affecting the portions of the army within their territory.

They also have the right, for police purposes, not only to make use of their own troops, but also to require the services of all other portions of the imperial army stationed within their territories.

*Article* 67.— Unexpended balances of the military budget shall in no case accrue to a single State, but always to the imperial treasury.

*Article* 68.— The Emperor shall have the power, if the public security is threatened in the territory of the Empire, to declare martial law in any part thereof. Until the publication of a law regulating the grounds, the form of announcement, and the effect of such a declaration, the provisions of the Prussian law of June 4, 1851, shall be applicable thereto. (Laws of 1851, page 451.)

### Concluding Provision of Chapter XI.

The provisions contained in this chapter shall be subject as regards Bavaria to the terms of the treaty of alliance of November 23, 1870 (Imperial Gazette, 1871, page 9) and as regards Wurtemburg, to the the terms of the Military Convention of November 21–25, 1870. (Imperial Gazette, 1870, page 658.)

## XII. Imperial Finances.

*Article* 69.— All revenues and expenditures of the Empire must be estimated each year, and incorporated in the imperial budget. The latter shall be fixed by law before the beginning of each budget-year, according to the following principles:

*Article* 70.— Towards covering all common expenditures any surpluses of the preceding year are to be applied; also all the common revenues accruing from import duties, from imperial excise duties, and from the postal and telegraph systems. So far as the expenditures are not covered by these resources, and until the introduction of [other] imperial taxes, the deficiency is to be made up by contributions from the several States in proportion to their population. The Imperial Chancellor shall assess these contributions, up to the amount demanded by the budget.

*Article* 71.— The common appropriations shall ordinarily be granted for a year; they can, however, in special cases, be granted for a longer period.

During the transition period spoken of in Article 60, the classified budget of military expenditure is to be laid before the Federal Council and the Diet for purposes of information and record only.

*Article* 72.— Accounts showing the expenditure of all imperial revenues are to be laid yearly before the Federal Council and the Diet by the Chancellor for audit.

*Article* 73.— In cases of extraordinary need, imperial laws may provide for raising loans, as also for the assumption of responsibility by way of guarantee.

### Concluding Provision of Chapter XII.

As regards the expenditures for the Bavarian army, Articles 69 and 71 shall be subject to the provisions of the treaty of November 23, 1870, mentioned in the concluding provision of Chapter XI; and Article 72 shall apply only in so far as it is necessary to satisfy the Federal Council and Diet of the assignment to Bavaria of the sum necessary for the Bavarian army.

### XIII. Settlement of Disputes and Modes of Punishment.

*Article* 74.— Every attempt against the existence, the integrity, the security, or the constitution of the German Empire; finally, any libelling of the Federal Council, of the Diet, of a member of the Federal Council or of the Diet, of a magistrate or public official of the Empire, while in the discharge of his duty, or with reference to his official duty, by word, writing, printing, signs, or caricatures, shall be judicially investigated and punished in the several States of the Empire according to the laws therein existing, or which shall hereafter exist in the same, according to which laws a similar offence committed against the individual State, its constitution, legislature, members of its legislature, authorities or officials, is to be judged.

*Article* 75.— For those of the offences against the German Empire designated in Article 74, which, if committed against the individual State, are regarded as high treason or treason against the State, the Common Court of Appeals of the three Hanseatic cities in Lübeck shall be the competent court of original and appellate jurisdiction.

More definite provisions regarding the jurisdiction and procedure of the Court shall be made by imperial law. Until the issue of such an imperial law, the rules hitherto in use as to jurisdiction of the Courts in the several States, and as to their procedure, shall be applicable.

*Article* 76.— Disputes between the different States of the Confederation so far as they are not of a private nature and therefore to be decided by the competent judicial authorities, shall be settled by the Federal Council at the request of one of the parties.

Disputes relating to constitutional matters in those of the States of the Confederation whose constitutions establish no authority having power to settle such differences, shall be adjusted by the Federal Council at the request of one of the parties, or, if this cannot be done, they shall be settled by the legislative power of the Empire.

*Article* 77.— If in one of the States of the Confederation justice shall be denied, and no sufficient relief can be procured by legal measures, it shall be the duty of the Federal Council to receive substantiated complaints concerning denial or restriction of justice, which are to be judged according to the constitution and the existing laws of the State in question, and thereupon to obtain judicial relief at the hands of the State government which shall have given rise to the complaint.

## XIV. General Provision.

*Article* 78.— Amendments to the constitution shall be made by legislative enactment. They shall be considered as rejected when 14 votes are cast against them in the Federal Council.

The provisions of the constitution of the Empire, by which definite rights of individual States of the Confederation are established in their relation to the whole, can be modified only with the consent of the State immediately concerned.

## CONSTITUTION OF THE KINGDOM OF PRUSSIA.

*The following clauses contain the most important provisions of the Constitution of* 1850.

*Article* 43.— The person of the King is inviolable.

*Article* 44.— The King's Ministers are responsible. All government acts (documentary) of the King require for their validity the approval of a Minister, who thereby assumes responsibility for them.

*Article* 45.— The King alone is invested with executive power. He appoints and dismisses Ministers. He ordefs the promulgation of laws, and issues the necessary ordinances for their execution.

*Article* 46.— The King is Commander-in-Chief of the army.

*Article* 47.— The King fills all posts in the army, as well as in other branches of the State service, in so far as not otherwise ordained by law.

*Article* 48.— The King has the right to declare war and make peace, and to conclude other treaties with foreign governments. The latter require for their validity the assent of the Chambers in so far as they are commercial treaties or impose burdens on the State, or obligations on its individual subjects.

*Article* 49.— The King has the right to pardon, and to mitigate punishment. But in favor of a minister condemned for his official acts this right can only be exercised on the motion of that Chamber whence his indictment emanated. Only by special law can the King suppress inquires already instituted.

*Article* 51.— The King convokes the Chambers and closes their sessions. He may dissolve both at once, or only one at a time. In such a case, however, the electors must be assembled within a period of 60 days, and the Chambers summoned within a period of 90 days, respectively, after the dissolution.

*Article* 52.— The King can adjourn the Chambers. But without their assent this adjournment may not exceed the space of 30 days, nor be repeated during the same session.

*Article* 53.— The Crown, according to the laws of the Royal House, is hereditary in the male line of that House in accordance with the law of primogeniture and agnatic succession.

*Article* 54.— The King attains his majority on completing his 18th year. In presence of the united Chambers he will take the oath to observe the Constitution of the Monarchy steadfastly and inviolably, and to rule in accordance with it and the laws.

*Article* 55.— Without the consent of both Chambers the King cannot also be ruler of foreign realms.

*Article* 56.— If the King is a minor, or is otherwise lastingly prevented from ruling himself, the Regency will be undertaken by that agnate (Art. 53) who has attained his majority and stands nearest the Crown. He has immediately to convoke the Chambers, which, in united session, will decide as to the necessity of the Regency.

*Article* 57.— If there be no agnate of age, and if no legal provision has previously been made for such a contingency, the Ministry of State will convoke the Chambers, which shall then elect a Regent in united session. And until the Assumption of the Regency by him, the Ministry of State will conduct the Government.

*Article* 58.— The Regent will exercise the powers invested in the King in the latter's name; and, after institution of the Regency, he will take an oath before the United Chambers, to observe the Constitution of the Monarchy steadfastly and inviolably, and to rule in accordance with it and the laws. Until this oath is taken the whole Ministry of State for the time being will remain responsible for all acts of the Government.

*Article* 60.— The ministers as well as the State officials appointed to represent them, have access to each Chamber, and must at all times be listened to at request. Each Chamber can demand the presence of the Ministers. The Ministers are only entitled to vote in one or other of the Chambers when members of it.

*Article* 61.— On a resolution of a Chamber the Ministers may be impeached for the crime of infringing the Constitution, of bribery, and of treason. The decision of such a case lies with the Supreme Tribunal of the Monarchy sitting in the United Senates. As long as two Supreme Tribunals co-exist, they shall unite for

the above purpose. Further details as to matters of responsibility, procedure thereupon, and punishments, are reserved for a special law.

*Article* 62.— The legislative power will be exercised in common by the King and by two Chambers. Every law requires the assent of the King and the two Chambers. Money bills and budgets shall first be laid before the Second Chamber; and the latter (*i. e.* budgets) shall either be wholly approved by the First Chamber, or rejected altogether.

*Article* 63.— In the event only of its being urgently necessary to maintain public security, or deal with an unusual state of distress when the Chambers are not in session, ordinances, which do not contravene the Constitution, may be issued with the force of law, on the responsibility of the whole Ministry. But these must be laid for approval before the Chambers at their next meeting.

*Article* 64.— The King, as well as each Chamber, has the right of proposing laws. Bills that have been rejected by one of the Chambers, or by the King, cannot be re-introduced in the same session.

*Article* 65–68.— The First Chamber is formed by Royal ordinance, which can only be altered by a law to be issued with the approval of the Chambers. The First Chamber is composed of members appointed by the King, with hereditary rights, or only for life.

*Article* 69.— The Second Chamber consists of 433 members. The electoral districts are determined by law. They may consist of one or more circles, or of one or more of the larger towns.

*Article* 70.— Every Prussian who has completed his 25th year and is capable of taking part in the elections of the Commune where he is domiciled, is entitled to act as a primary voter (*Urwähler*). Any one who is entitled to take part in the election of several Communes, can only exercise his right as primary voter in one Commune.

*Article* 71.— For every 250 souls of the population, one elector (*Wahlmann*) shall be chosen. The primary voters fall into three classes, in proportion to the amount of direct taxes they pay — and in such a manner as that each class shall represent a third of the sum-total of the taxes paid by the primary voters. This sum-total is reckoned: —

*a.* by Communes, in case the Commune forms of itself a primary electoral district.

*b.* by (Government) Districts (*Bezirke*), in case the primary electoral district consists of several Communes.

The first class consists of those primary voters, highest in the scale of taxation, who pay a third of the total. The second class consists of those primary voters, next highest in the scale, whose taxes form a second third of the whole; and the third class is made up of the remaining tax-payers (lowest in the scale) who contribute the other third of the whole. Each class votes apart, and for a third of the secondary electors. These classes may be divided into several voting sections, none of which, however, must include more than 500 primary voters. The electors are elected in each class from the number of the primary voters in their district, without regard to the classes.

*Article* 72.— The deputies are elected by the electors. Details will be regulated by an electoral law. . .

*Article* 73.— The legislative period of the Second Chamber is fixed at three years.

*Article* 74.— Every Prussian who has completed his thirtieth year, has forfeited none of his civil rights in consequence of a valid judicial sentence, and has been a Prussian subject for three years, is eligible as deputy to the Second Chamber. The president and members of the Supreme Chamber of Accounts cannot sit in either House of the Diet (*Landtag*).

*Article* 75.— After the lapse of a legislative period the Chambers will be elected anew, and the same in the event of dissolution. In both cases previous members are re-eligible.

*Article* 76.— Both Houses of the Diet of the Monarchy shall be regularly convened by the King in the period from the beginning of November in each year till the middle of the following January and otherwise as often as circumstances require.

*Article* 77.— The Chambers will be opened and closed by the King in person, or by a Minister appointed by him to do so, at a combined sitting of the Chambers. Both Chambers shall be simultaneously convened, opened, adjourned, and closed. If one Chamber is dissolved, the other shall be at the same time prorogued.

*Article* 78.— Each Chamber will examine the credentials of its members, and decide thereupon. It will regulate its own order of

business and discipline by special ordinances, and elect its president, vice-president, and office-bearers. Civil servants require no leave of absence in order to enter the Chamber. If a member of the Chamber accepts a salaried office of the State, or is promoted in the service of the State to a post involving higher rank or increase of pay, he shall lose his seat and vote in the Chamber, and can only recover his place in it by re-election. No one can be member of both Chambers.

*Article* 79.— The sittings of both Chambers are public. On the motion of its president, or of ten members, each Chamber may meet in private sitting — at which this motion will then have to be discussed.

*Article* 80.— Neither of the Chambers can pass a resolution unless there be present a majority of the legal number of its members. Each Chamber passes its resolutions by absolute majority of votes, subject to any exceptions that may be determined by the order of business for elections.

*Article* 81.— Each Chamber has the separate right of presenting addresses to the King. No one may in person present to the Chambers, or to one of them, a petition or address. Each Chamber can transmit the communications made to it to the Ministers, and demand of them an answer to any grievances thus conveyed.

*Article* 82.— Each Chamber is entitled to appoint commissions of inquiry into facts — for its own information.

*Article* 83.— The members of both Chambers are representatives of the whole people. They vote according to their simple convictions, and are not bound by commissions or instructions.

*Article* 84.— For their votes in the Chamber they can never be called to account, and for the opinions they express therein, they can only be called to account within the Chamber, in virtue of the order of business. No member of a Chamber can, without its assent, be had up for examination, or be arrested during the Parliamentary session for any penal offence, unless he be taken in the act, or in the course of the following day. A similar assent shall be necessary in the case of arrest for debts. All criminal proceedings against a member of the Chamber, and all arrests for preliminary examination, or civil arrest, shall be suspended during the Parliamentary session on demand from the Chamber concerned.

*Article* 85.— The members of the Second Chamber shall receive

out of the State Treasury travelling expenses and daily fees, according to a statutory scale; and renunciation thereof shall be inadmissible.

. . . . . .

*Article* 94.— In criminal cases the guilt of the accused shall be determined by jurymen, in so far as exceptions are not determined by a law issued with the previous assent of the Chambers. The formation of a jury-court shall be regulated by a law.

. . . . . .

*Article* 97.— A law shall determine the conditions on which public, civil, and military officials may be sued for wrongs committed by them in exceeding their functions. But the previous assent of official superiors need not be requested.

. . . . . .

*Article* 107.— The Constitution may be altered by ordinary legislative means; and such alteration shall merely require the usual absolute majority in both Chambers on two divisions between which there must elapse a period of at least twenty-one days.

*Article* 108.— The members of both Chambers, and all State officials, shall take the oath of fealty and obedience to the King, and swear conscientiously to observe the Constitution. The army will not take the oath to the Constitution.

[This translation is taken from Lowe's *Prince Bismarck*, Appendix *E.*]

# EXECUTIVE DEPARTMENTS IN VARIOUS COUNTRIES.

## OFFICERS OF THE U. S. ADMINISTRATION.

The PRESIDENT of the United States.
- Secretary of State.
- " " the Treasury.
- " " War.
- " " the Navy.
- " " the Interior.
- Postmaster General.
- Attorney General. Sec Commerce
- Secretary of Agriculture. Sec Labor

Salaries: President, $50,000; Secretaries, $8,000; Vice-President, $10,000.

### SUBORDINATE MINISTERS.

| | SALARY. |
|---|---|
| Solicitor General | $7,000 |
| Assitant Secretaries: | |
| State Department, three, | 3,500 |
| Treasury " three, | 4,500 |
| War " one, | 4,500 |
| Navy " one, | 4,500 |
| Interior " two, | 3,500 |
| Agriculture " one, | 3,500 |
| Assistant Postmasters General, three, | 4,000 |
| " Attorneys General, three, | 5,000 |
| " " " one, | 4,000 |
| Solicitor of the Treasury | 4,000 |
| Assistant " " " | 3,000 |
| Solicitor of Internal Revenue | 5,000 |
| Naval Solicitor | 3,500 |
| Examiner of Claims | 4,000 |
| Comptrollers of accounts, two, | 5,000 |
| Auditors of the Treasury, six, | 4,000 |
| Deputy Auditors of the Treasury, six, | 2,500 |
| Treasurer | 6,500 |
| Commisioner of Customs | 4,500 |
| " " Internal Revenue | 6,000 |
| Comptroller of the Currency | 5,000 |
| Register of the Treasury | 4,500 |
| Commissioner of the Land Office | 4,000 |
| " " Indian Affairs | 3,000 |

| | |
|---|---|
| Commisioner of Pensions | $4,000 |
| " " Patents | 4,500 |
| " " Education | 3,000 |
| " " Labor | 5,000 |

There are some other officers above the grade of clerkships, but those named in the list are the most notable. Since no office can be held by members of Congress, it is not easy to distinguish, in our case, between ministerial and merely administrative offices, especially as the practice of treating all offices as party spoils is so generally followed at Washington. Some of the subordinate offices in the foregoing list call for technical knowledge, for example the last two in the list. In such cases there is a disposition to "keep the office out of politics," allowing the holder to retain the place through several successive administrations.

## AN ENGLISH MINISTRY.

(4TH GLADSTONE, 1892–94.)

| OFFICE. | Salary. £ | HOLDER WAS A MEMBER OF |
|---|---|---|
| First Lord of the Treasury. | 5,000 | Commons. Office usually held by the Prime Minister. |
| Lord High Chancellor. | 10,000 | Lords. |
| Lord Pres. of Privy Coun. | 2,000 | Lords. |
| Lord Privy Seal. | 2,000 | — (Held, without salary, by the Prime Minister.) |
| Chancellor of Exchequer. | 5,000 | Commons. |
| Home Secretary. | 5,000 | Commons. |
| Foreign Secretary. | 5,000 | Lords. |
| Colonial Secretary. | 5,000 | Lords. |
| Secretary for War. | 5,000 | Commons. |
| Secretary for India. | 5,000 | Commons. |
| First Lord of Admiralty. | 4,500 | Lords. |
| Chief Sec. for Ireland. | 4,425 | Commons. |
| Secretary for Scotland. | 2,000 | Commons. (Office estab. 1885: holder not usually in Cabinet.) |
| Chan. of Duchy of Lanc. | 2,000 | Commons. (Not always in Cabinet.) |
| Pres. of Board of Trade. | 2,000 | Commons. |
| Pres. of Loc. Gov. Bd. | 2,000 | Commons. |
| Postmaster General. | 2,500 | Commons. (Not always in Cabinet.) |
| Vice-Pres. of Council. (Minister of Education.) | 2,000 | Commons. (Not always in Cabinet.) |
| First Comm. of Works. | 2,000 | Commons. (Not usually in Cabinet.) |

These eighteen ministers formed the Cabinet; five were Peers and thirteen were Commoners. They were all members of the Privy Council. In the last preceding ministry, the Cabinet consisted of eight Peers and nine Commoners. The 3rd Salisbury Cabinet (1895) consists of nineteen ministers of whom nine are Peers.

| Office. | Salary. £ | Holder was a Member of |
|---|---|---|
| Lord Lieut. of Ireland. | 20,000 | Lords and P. C. (Sometimes in Cabinet.) |
| Lord Chan. of Ireland. | 8,000 | — (Usually a memeber of Parliament and sometimes in Cabinet.) |
| Pres. of Board of Agric. | 2,000 | Commons and P. C. (Office estab. in 1889.) |
| Parliamentary (or Patronage) Sec. to the Treas'y. | 2,000 | Commons. (Chief whip.) |
| Financial Sec. to Treas. | 2,000 | Commons and P. C. |
| Junior Lords of the Treasury (three), each. | 1,000 | Commons. (Assistant whips.) |
| Paymaster General. | unpaid. | Commons. (Usually a Peer.) |
| Lords of the Admiralty: the Civil Lord. | 1,000 | Commons. (In addition to the First Lord and the Civil Lord there are four Naval Lords who are naval officers; they resign at every change of ministry, but are not usually members of either House.) |
| Parliamentary Sec.: | | |
| To the Admiralty. | 2,000 | Commons. |
| To the Board of Trade. | 1,200 | Commons. |
| To Loc. Gov. Board. | 1,200 | Commons. |
| Under Secretaries: | | |
| Home Department. | 1,500 | Commons. |
| Foreign Affairs. | 1,500 | Commons. |
| Colonies. | 1,500 | Commons. |
| India. | 1,500 | Lords. |
| War. | 1,000 | Lords. |
| Fin. Sec. to the War Office. | 1,500 | Commons. |
| Attorney General. | 10,000 | Commons. |
| Solicitor General. | 9,000 | Commons. |
| Ld. Advocate for Scotland. | 5,000 | Commons. |
| Atty. Gen. for Ireland. | 5,000 | — Not always in Parliament. |
| Solicitor Gen. for Ireland. | 2,000 | — Not usually in Parliament. |
| Solicitor Gen. for Scotland. | 2,000 | Commons. Not always in Parliament. |
| Officers of the Household. | | |
| Lord Steward. | 2,000 | Lords. |
| Treasurer. | 904 | Lords. |
| Comptroller. | 904 | Commons. |
| Lord Chamberlain. | 2,000 | Lords. |
| Vice Chamberlain. | 924 | Commons. |
| Capt. of the Yeomen of the Guard. | 1,200 | Lords. |
| Capt. of the Gentlemen at Arms. | 1,000 | Lords. |
| Master of the Horse. | 2,500 | Lords. |
| Master of the Buckhounds. | 1,700 | Lords. |
| Lords in Waiting, six. | ea. 702 | Lords. |

No political significance.

## THE PRESIDENT AND CABINET OF THE UNITED STATES IN 1901.

| | |
|---|---|
| President: | Theodore Roosevelt of New York. |
| Secretary of State: | John Hay of the District of Columbia. |
| Secretary of the Treasury: | Lyman Judson Gage of Illinois. |
| Secretary of War: | Elihu Root of New York. |
| Secretary of the Navy: | John Davis Long of Massachusetts. |
| Secretary of the Interior: | Ethan Allen Hitchcock of Missouri. |
| Postmaster-General: | Charles Emory Smith of Pennsylvania. |
| Attorney-General: | John William Griggs of New Jersey. |
| Secretary of Agriculture: | James Wilson of Iowa. |

## THE ENGLISH CABINET IN 1901.

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|---|---|
| Prime Minister and Lord Privy Seal: | Rt. Hon. the Marquis of Salisbury. |
| Lord President of the Council: | Rt. Hon. the Duke of Devonshire. |
| Lord High Chancellor: | Rt. Hon. the Earl of Halsbury. |
| Chancellor of the Duchy of Lancaster: | Rt. Hon. Lord James of Hereford. |
| First Lord of the Treasury: | Rt. Hon. Arthur J. Balfour. |
| Secretary of State for Foreign Affairs: | Rt. Hon. the Marquis of Landsdowne. |
| Secretary of State for the Home Department: | Rt. Hon. C. T. Ritchie. |
| Chancellor of the Exchequer: | Rt. Hon. Sir Michael Hicks-Beach. |
| Secretary of State for the Colonies: | Rt. Hon. Joseph Chamberlain. |
| Secretary of State for War: | Rt. Hon. W. St. J. Brodrick. |
| Secretary of State for India: | Rt. Hon. Lord George Hamilton. |
| First Lord of the Admiralty; | Rt. Hon. the Earl of Selbourne. |
| President of the Local Govt. Board: | Rt. Hon. W. H. Long. |
| President of the Board of Trade: | Rt. Hon. G. W. Balfour. |
| Lord-Lieutenant of Ireland: | Rt. Hon. the Earl Cadogan. |
| Lord Chancellor of Ireland: | Rt. Hon. Lord Ashbourne. |
| Secretary for Scotland: | Rt. Hon. Lord Balfour of Burleigh. |
| First Commissioner of Works: | Rt. Hon. A. Akers-Douglas. |
| President of the Board of Agriculture: | Rt. Hon. R. W. Hanbury. |
| Postmaster-General: | Rt. Hon. the Marquis of Londonderry. |

## THE FRENCH MINISTRY.

The French ministers are, in form, appointed by the President of the Republic. But the President's part seems to be limited to the choice of a man to form the ministry. The man so chosen selects his colleagues, and shares the offices among them in the way he thinks most effective, reserving always one for himself. There is not, as in England, a custom in favor of any particular office for the Prime Minister; nor are there any sinecure positions. Each minister is at the head of a working department.

The ministerial departments are, at present, as follows (1895):

Finance (held by the Prime Minister).
Foreign Affairs.
The Interior.
Education and Public Worship.
Justice.
Commerce.
Agriculture.
Public Works.
War.
The Navy.
The Colonies.

Since the ministers are responsible to the House for the actions of the government (Loi I, Art. 6), it is practically necessary that they should be members of the legislature. An attempt was made in 1877, by President McMahon, to have ministers who were not members of the Chambers, but the experiment wholly failed. There are, however, two ministerial offices,—War and the Navy,—which are supposed to require professional knowledge; these are occasionally held by generals and admirals who are not members of either Chamber.

Ministerial offices may be created or abolished by decree of the President. The ministry of the Colonies is of recent creation. A ministry of *Postes et Télégraphes* was established in 1879 and discontinued in 1887; a ministry of the Fine Arts was created in 1881 but, at the next following change of ministry, it was suppressed. What happens in such cases is that a bureau or division of a ministry is erected into a separate department with a parliamentary head

of its own; or one of the previous departments is reduced to the position of a division or bureau.

The office of under-secretary has been tried in France, but apparently the results were not satisfactory. From 1877 to 1890 there were, in every ministry, several of these, — usually from five to seven. In the Gambetta ministry of 1881 there were nine. But one by one they have been discontinued. The last of them, the under-secretaryship for the Colonies, has now been raised to the rank of a separate ministry. It was previously a bureau, at one time under the Minister of the Navy, but latterly under the Minister of Commerce. The under-secretaries were ordinarily members of either the Senate or the Chamber.

## MINISTERS OF THE GERMAN EMPIRE AND THE KINGDOM OF PRUSSIA.

The German Empire has no avowed Ministry or Cabinet. The Chancellor is at the head of the whole administration; under his supervision five Secretaries of State and six Presidents of Bureaus carry on the active work of administration. The subordinate ministers are supposed to confer individually with the Chancellor and to be guided by his personal judgment. But it is said that, especially since the resignation of Prince Bismarck in 1890, the Chancellor and the five Secretaries of State tend more and more to constitute an Imperial Ministry with deliberative functions. But so long as the Emperor maintains the right of personal judgment in matters of State, there is no room for a fully developed Cabinet.

The departments of the five Imperial Secretaries of State are as follows: —

Foreign Affairs.

The Interior. (The Secretary of the Interior is also Vice-Chancellor.)

Admiralty.

Justice.

The Treasury.

The Kingdom of Prussia has long had a Ministry of State, — *Staatsministerium*, — composed of the following ministers: —

Minister-President, usually also holding the office of Foreign Minister;

Vice-President;
Minister of the Interior;
" " War;
" " Public Works;
" " Agriculture;
" " Justice;
" " Education and Ecclesiastical Affairs;
" " Finance;
" " Commerce.

Salaries: President, $13,000; other ministers, $8,666, with, in each case, an official residence.

The Chancellor of the German Empire is Minister-President and Foreign Minister of the Kingdom of Prussia. The Imperial Vice-Chancellor is also Vice-President of the Prussian Ministry. These arrangements are held to be necessary in order to maintain the requisite unity of policy between the two administrations.

Both the German and the Prussian ministers are the personal choice of the Emperor-King. They are, for the most part, men who have worked their way to the front in official employments. They are not chosen from among the people's representatives, and are not under the necessity of having the confidence of the parliamentary bodies. They have, however, the constitutional right of taking part in the parliamentary debates, — a right they constantly exercise. Prince Bismarck was at the head of the Prussian Ministry continuously from 1862 to 1890, and Chancellor from 1867 to 1890.

## THE SWISS EXECUTIVE.

The Executive Government of Switzerland is in the hands of a Council of seven members, called the Federal Council. These are elected by the two houses of the Swiss legislature, sitting in joint session. They hold office for three years, and are usually re-elected as often as they are willing to serve. They are usually chosen from among the members of the two houses; but election to the Federal Council vacates the seat of the member. One of the seven is designated annually by the legislature to act as President of the Council, with the title President of the Confederation. The President has, however, no legal preponderance over his colleagues.